



**NOTICE OF MEETING**  
The Regular Meeting of the  
**CEDAR RAPIDS CIVIL RIGHTS COMMISSION**

Will Be Held

**Wednesday, September 17, 2014 at 5:30 p.m.**

Civil Rights Commission Office  
425 Second Street SE, Suite 960, Cedar Rapids, IA

**A G E N D A**

- I. Call to Order
- II. Roll Call – Introductions  
New Commissioner Keith Wiggins
- III. Public Response
- IV. Approval of Minutes from July and August Meeting
- V. Report from Chair
  - Veterans Memorial Building Office Space
  - State of Equity Report
- VI. Committee Reports
  - Finance
  - Outreach and Education
  - LGBT Capacity Building
  - Personnel
  - Marion Civil Rights Commission Liaison
  - Friends Committee
- VII. Director’s Report
- VIII. Old Business
  - Rules of Practice
  - Committee Charter Revision
- IX. New Business
- X. Adjournment

**NOTICE:**

**Any person needing visual/audio assistance or language interpretation should contact Civil Rights at 319-286-5036 at least 48 hours prior to the meeting.**

Civil Rights Commission

425 Second Street SE, Suite 960 • Cedar Rapids, Iowa 52401 • 319-286-5036 • Fax 319-286-5136

**CEDAR RAPIDS CIVIL RIGHTS COMMISSION  
MEETING MINUTES**

**July 16, 2014, 5:30pm**

Civil Rights Commission Office  
425 Second Street SE  
Cedar Rapids, IA 52401

**Commissioners Present:** Dr. Emily Bowman  
Ms. Tamara Cronin  
Mr. Leland Freie  
Ms. Barb Gay, Vice Chair  
Ms. Paulette Hall  
Ms. Salma Igram  
Ms. Laura O'Leary  
Mr. Keith Rippy, Chair  
Mr. Robin Tucker

**Commissioners Absent:** Dr. Ruth White

**Staff Present:** Mr. John-Paul Chaisson-Cárdenas, Executive Director  
Ms. Stefanie Munsterman-Robinson, Investigator  
Ms. Janet Abejo, Investigator  
Ms. Virginia Sipes, Investigator  
Ms. Elizabeth Macias, Investigator  
Ms. Jeanette Gordon, Administrative Assistant

**Staff Absent:** None

**Guests:** Mr. Bret Nilles, Marion Civil Rights Commission Liaison  
Ms. Susie Weinacht, Cedar Rapids City Council Liaison  
Mr. Bernard Clayton, Cedar Rapids community member

**I. Call to Order**

Noting there was a quorum, Commissioner Rippy, Chair, called the meeting to order at 5:30pm.

**II. Roll Call/Introductions**

Commissioners, staff, and guests introduced themselves.

**III. Public Response**

None.

**IV. Approval of Minutes from June Meeting**

After looking over the June meeting minutes, Commissioner Igram moved to approve the meeting minutes; Commissioner Hall seconded the motion. The minutes were approved without changes.

**V. Report from Chair**

Commissioner Rippy, Chair, thanked Executive Director Chaisson-Cárdenas for his significant and important contributions to the Cedar Rapids Civil Rights Commission. He reported that Ms. Munsterman-Robinson will be the Interim Executive Director. The permanent position will be posted for employees of the city only starting Friday, July 18 and will close on Friday, July 25.

Commissioner Rippy also noted that he will be looking at the Veterans Building for possible office space for the Commission.

## VI. **Committee Reports**

### *Finance*

Commissioner Igram, Finance Committee Chair, reported that fiscal year 2014 has not been closed and there are no financial reports available yet.

### *Outreach and Education*

Commissioner Cronin reported that the committee will meet soon to discuss upcoming events.

### *LGBT Capacity Building*

Ms. Munsterman-Robinson, staff, reported that the next meeting of the committee will be July 22 at 5:15pm at the Cedar Rapids Civil Rights Office. A keynote speaker has been contracted and breakout sessions are planned for the September 4 Summit.

### *Personnel Committee*

Commissioner Igram reported that Executive Director Chaisson-Cárdenas' evaluation has been completed. The committee met with him and the evaluation will be sent to Human Resources next week.

### *Marion Civil Rights Commission Liaison*

Commissioner Tucker reported that the Marion Commission meets the first Wednesday of each month. They are looking at Committee Charters, Rules of Practice, Standard Operating Procedures, and are planning a Roll of the Dice event.

### *Friends of the Civil Rights Commission Committee*

Executive Director Chaisson-Cárdenas reported that there is a possibility of having a joint Friends Committee with the Marion Civil Rights Commission. A draft charter was distributed for commissioners to review and decide if they want to pursue this option. Commissioner Rippy, Chair, asked commissioners to review the draft charter and asked members of the Ad Hoc Committee to meet and discuss the option.

## VII. **Director's Report**

Mr. Chaisson-Cárdenas, Executive Director, reported on the following:

- The Latino Festival was attended by approximately 1,000 people.
- Elizabeth Macias reported that the committee working on the Latino Summit being planned for October 3, 2014 will be meeting August 8 at the University of Iowa School of Social Work. The committee is also planning to publish a Latinos in Iowa report.
- Staff from the Cedar Rapids Civil Rights Commission spoke with the Dubuque Department of Human Rights about the State of Equity process to help them replicate it in their community.
- The Department of Justice contacted Executive Director Chaisson-Cárdenas and wants to partner with us. Staff will be meeting with them on July 22 to talk about a Memorandum of Understanding.
- There has been a 60% increase in cases in the past year, proving that our outreach is working.
- Executive Director Chaisson-Cárdenas thanked the commission for the opportunity to serve.

Commissioners took a ten minute break at 6:00pm to say farewell to Executive Director Chaisson-Cárdenas and the meeting continued at 6:10pm.

Ms. Munsterman-Robinson, Interim Executive Director, continued the report as follows:

- The 180-day plan was updated to include benchmarking to increase cases filed, cases closed, and satisfactory resolutions.
- We are working on getting our brochures translated in Spanish and another language to be determined (possibly French and Swahili).
- We will continue developing both commissions.
- Outreach and education is continuing with projects such as the Fair Housing poster and video contest, “Roll of the Dice” events, the LGBTQ Summit, and the Latino Professional Summit.
- The Commission will not stop at the State of Equity report and will continue to foster inclusivity, including increasing contact with LGBT, Latino, and domestic violence victims.

#### VIII. **Old Business**

- Rules of Practice: Ms. Sipes, staff, gave commissioners two tools to use to look at the Rules of Practice – one document included recommended changes and the other was a redlined copy. Changes have been sent to the City Attorney’s Office for their opinion and commissioners will be updated when that opinion comes back. Any questions should be addressed to Ms. Sipes or brought back to next month’s meeting. She is willing to meet with commissioners individually if desired.
- Standard Operating Procedures: Interim Executive Director Munsterman-Robinson presented two new Standard Operating Procedures – the Compliance Agreement Audit Process and the Compliance Team. Commissioner Gay motioned to approve the new Audit Process Procedure; Commissioner Igram seconded the motion. The motion passed unanimously on a voice vote. Commissioner Bowman motioned to approve the new Compliance Team Procedure; Commissioner O’Leary seconded the motion. The motion passed unanimously on a voice vote.
- Committee Charter Revision: Ms. Sipes, staff, presented revisions to the Friends of the Civil Rights Committee Charter to include the Marion Commission. Commissioners were asked to bring comments and questions to the next commission meeting.

#### IX. **New Business:**

None.

#### X. **Adjournment**

Commissioner Rippy, Chair, asked that the meeting be adjourned. Commissioner Bowman moved to adjourn the meeting; Commissioner Freie seconded the motion. The meeting was adjourned at 6:45pm.

The next meeting will be held on August 20, 2014 at 5:30pm at the Commission Office, 425 2nd Street SE, Suite 960.

*Respectfully submitted by Jeanette Gordon*

**CEDAR RAPIDS CIVIL RIGHTS COMMISSION**  
**MEETING MINUTES**  
**August 19, 2014, 5:30pm**  
Civil Rights Commission Office  
425 Second Street SE  
Cedar Rapids, IA 52401

**Commissioners Present:** Ms. Tamara Cronin  
Ms. Barb Gay, Vice Chair  
Ms. Salma Igram  
Ms. Laura O’Leary  
Mr. Keith Rippy, Chair  
Dr. Ruth White

**Commissioners Absent:** Dr. Emily Bowman  
Mr. Leland Freie  
Ms. Paulette Hall  
Mr. Robin Tucker

**Staff Present:** Ms. LaSheila Yates, Executive Director  
Ms. Stefanie Munsterman-Robinson, Investigator  
Ms. Janet Abejo, Investigator  
Ms. Virginia Sipes, Investigator  
Ms. Andrea Darnell, Administrative Assistant

**Staff Absent:** Ms. Elizabeth Macias, Investigator

**Guests:** Ms. Susie Weinacht, Cedar Rapids City Council Liaison  
Ms. Dhuha Tawil, Cedar Rapids Resident

**I. Call to Order**

Noting there was not a quorum, Commissioner Rippy, Chair, called the meeting to order at 5:39pm.

**II. Roll Call/Introductions**

Commissioners, staff, and guests introduced themselves.

**III. Public Response**

None.

**IV. Approval of Minutes from July Meeting**

Due to absences, there was not a quorum to vote. The minutes will be approved at the next month’s meeting.

**V. Report from Chair**

Commissioner Rippy, Chair, thanked the staff at the Cedar Rapids Civil Right Commission for assisting during the interim period with the Executive Director position. He announced the position has been filled by LaShelia Yates. Ms. Yates will be starting her position on August 27, 2014. Ms. Munsterman-Robinson will still act as Interim Director until that date.

## VI. **Committee Reports**

### *Finance*

Ms. Yates met with Ronda Jones, Budget Analyst II for the City of Cedar Rapids, for the final report to be in September. Ms. Yates will follow up in a few weeks when she settles into her position as Executive Director. Ms. Yates discussed the possible move to the Veterans Memorial Building and cost saving measures to reduce spending for the move. Commissioner Rippy, Chair, had toured the offices reporting ample space for the current staff and visitors, no damage due to the flooding, and security for files and reports. Commissioner Rippy also added the cost saving due to build in structures and furniture currently available in the offices.

### *Outreach and Education*

Commissioner Cronin reported that the committee will meet soon to discuss upcoming events. A new coordinator will be available soon.

### *LGBT Capacity Building*

Ms. Munsterman-Robinson, staff, reported the LGBTQIA+ Summit will be September 4, 2014 from 6-9pm. Keynote speaker will be Ashland Johnson, from The National Center for Lesbian Rights out of Washington D.C. We will discuss gaps in the CR community that need to be addressed. This will spark events in the future once the issues are identified. There will be an email blast sent on more details of the summit.

### *Personnel Committee*

Commissioner Igram reported that the committee has not met at this time.

### *Marion Civil Rights Commission Liaison*

With the absence of Commissioner Tucker no business was discussed.

### *Friends of the Civil Rights Commission Committee*

Ms. Munsterman-Robinson reported no update and in current communications.

## VII. **Director's Report**

Ms. Munsterman-Robinson, Interim Executive Director, reported on the following:

- Current staff changes. Jeanette Gordon took a position at another organization and will no longer be with the commission. Her position has been posted to the public with closure date of August 29, 2014. Andrea Darnell will be serving as Temporary Administrative Assistant. Johnny Alcivar has been hired for Temporary Outreach Coordinator beginning August 20, 2014.
- Upcoming Events: Fair Housing Poster/Video Contest has launched, LGBTQIA+ Fair Housing Summit is September 4, 2014 and Latino Professional Development Institute is October 3, 2014.
- Iowa Civil Rights Commission Cooperative Agreement is up for annual review due date is October 14, 2014.
- Department of Justice and CR Police Department collaboration on neighbor dispute resulting in de-escalation of issues. Starting the conversation of how the CRCRC and the CRPD can work together in the city to provide safer neighborhoods. DOJ a developing partnership for Immigration-Related Unfair Employment Practices.
- Commissioner training opportunities at Cedar Rapids and Marion CRC meetings. Brief 10-15 minute sessions on Civil Rights law and related issues. Focusing on Case Analysis/Investigation review, Fair Housing, Employment, Education, Public Accommodation, Credit, ADA, Mediation 101, Domestic Violence Protections, Diversity

with Inclusion, Public Hearings 101, Closed Sessions-Logistics and other areas of interest from the Commission.

**VIII. Old Business**

- Rules of Practice: Ms. Sipes, staff, spoke with City Attorney a few substantive changes. Sending an email to ADHOC committee for volunteers for members. Commissioner Rippey interested in joining. Helping Marion Committee as well to transition.
- Standard Operating Procedures: No new procedures all were approved prior.
- Committee Charter Revision: Personal and Friends charters remaining. Without a quorum a decision could not be made. Send with modifications for next commission meeting for review.

**IX. New Business:**

None.

**X. Adjournment**

Commissioner Rippey, Chair, asked that the meeting be adjourned. The meeting was adjourned at 6:36pm.

The next meeting will be held on September 17, 2014 at 5:30pm at the Commission Office, 425 2nd Street SE, Suite 960.

*Respectfully submitted by Andrea Darnell*

**City of Cedar Rapids**  
**111000 Civil Rights**  
**2014-06-30**

Account	Current Month 2014 YTD Actuals	Fiscal Year 2014 Adjusted Budget	Fiscal Year 2014 YTD Actuals	Favorable (Unfavorable) Variance	Percent of Budget Received Spent
<b>**Taxes**</b>					
<b>**Total Taxes**</b>	-	-	-	-	0%
<b>**License &amp; Permits**</b>					
<b>**Total License &amp; Permits**</b>	-	-	-	-	0%
<b>**Intergovernmental Grants**</b>					
Local Govt Grants	423000	500.00	3,150.00	2,650.00	630%
<b>**Total Intergovernmental Grants**</b>	-	500.00	3,150.00	2,650.00	630%
<b>**Charges for Services**</b>					
Admin Charges - External	431012	6,000.00	6,400.00	400.00	107%
<b>**Total Charges for Services**</b>	-	6,000.00	6,400.00	400.00	107%
<b>**Fines &amp; Forfeits**</b>					
<b>**Total Fines &amp; Forfeits**</b>	-	-	-	-	0%
<b>**Other Miscellaneous Revenue**</b>					
<b>**Total Other Miscellaneous Revenue**</b>	-	-	-	-	0%
<b>**Transfers In**</b>					
<b>**Total Transfers In**</b>	-	-	-	-	0%
<b>**Proceeds of LT Liabilities**</b>					
<b>**Total Proceeds of LT Liabilities**</b>	-	-	-	-	0%
<b>Total Revenue</b>	-	6,500.00	9,550.00	3,050.00	147%
<b>**Personal Services**</b>					
Regular Employees	511100	24,869.11	306,174.00	50,238.95	84%
Overtime	511300	(66.56)	1,500.00	1,317.98	12%
Other / Special Pays	511400	(260.00)	1,270.00	430.00	66%
Leave Accrual	511500	3,946.64	-	(3,946.64)	0%
Group Insurance	512100	3,507.41	46,725.00	6,907.42	85%
Social Security Contributions	512200	1,683.14	24,172.00	5,066.67	79%
Retirement Contribution	512300	2,020.04	29,290.00	6,669.20	77%
Workers' Compensation	512500	111.94	1,535.00	215.05	86%
Other Employee Benefits	512600	6.20	93.00	(2,834.50)	3148%

City of Cedar Rapids  
 111000 Civil Rights  
 2014-06-30

Account	Current Month 2014 YTD Actuals	Fiscal Year 2014 Adjusted Budget	Fiscal Year 2014 YTD Actuals	Favorable (Unfavorable) Variance	Percent of Budget Received Spent
<b>**Total Personal Services**</b>	<b>35,817.92</b>	<b>410,759.00</b>	<b>346,694.87</b>	<b>64,064.13</b>	<b>84%</b>
<b>**Discretionary - Non-Personal Services**</b>					
Advertising / Marketing 521100	-	2,000.00	930.20	1,069.80	47%
Contract Labor 521105	129.13	3,000.00	129.13	2,870.87	4%
Health Services 521106	12.00	-	116.00	(116.00)	0%
Legal Services 521107	-	3,000.00	-	3,000.00	0%
Other Professional Services 521108	-	1,500.00	200.00	1,300.00	13%
Banking / Financial Services 521109	362.62	-	987.55	(987.55)	0%
Security Services 521110	129.13	-	1,391.52	(1,391.52)	0%
IT Services - External 522102	824.39	2,700.00	3,127.94	(427.94)	116%
Ext Rpr & Mtnc Srv-Bldg & Grds 522104	-	-	4,807.98	(4,807.98)	0%
Ext Repair & Maint Svcs - FF&E 522105	-	500.00	110.00	390.00	22%
Telephone 523107	87.96	2,500.00	1,089.08	1,410.92	44%
Printing, Binding, & Duplicate 525102	584.04	3,000.00	4,055.10	(1,055.10)	135%
Books,Periodicals,&Subscrip 531103	-	1,000.00	429.65	570.35	43%
Computer Supplies 531106	-	1,000.00	-	1,000.00	0%
Miscellaneous Supplies 531114	24.00	300.00	216.00	84.00	72%
Office Supplies 531116	208.24	3,000.00	2,204.38	795.62	73%
Personal Protective Gear 531124	18.60	-	29.40	(29.40)	0%
Bldg&Grds - Parts & Materials 533100	-	-	3.99	(3.99)	0%
Cost of Conferences / Training 542102	8.75	7,500.00	3,447.24	4,052.76	46%
Dues & Memberships 542103	-	500.00	180.00	320.00	36%
Postage & Freight 542108	195.32	3,500.00	2,555.95	944.05	73%
Travel 542111	-	1,000.00	-	1,000.00	0%
<b>**Total Discretionary Non-Personal Services**</b>	<b>2,584.18</b>	<b>36,000.00</b>	<b>26,011.11</b>	<b>9,988.89</b>	<b>72%</b>
<b>**Non-Discretionary - Fleet &amp; Facilities Expenditures**</b>					
City Facility Mtnc Services 522107	-	-	-	-	0%
City Fleet Services 522108	-	-	-	-	0%
Rental of Land & Bldgs 524100	-	-	-	-	0%
City Rental Charges - Fleet 524102	-	-	-	-	0%
<b>**Total Fleet &amp; Facilities Expenditures**</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0%</b>
<b>**Non-Discretionary Non-Personal Service Expenditures**</b>					
City Accounting Services 521113	987.00	11,800.00	11,800.00	-	100%
Admin Charges - Cty Mgr depts 521114	1,887.00	22,644.00	22,644.00	-	100%
Admin Charges - Other 521114	-	-	338.35	(338.35)	0%

City of Cedar Rapids  
 111000 Civil Rights  
 2014-06-30

Account	Current Month 2014 YTD Actuals	Fiscal Year 2014 Adjusted Budget	Fiscal Year 2014 YTD Actuals	Favorable (Unfavorable) Variance	Percent of Budget Received Spent	
City IT Services	522109	9,300.71	37,894.08	37,894.08	-	100%
Electricity	523100	-	-	-	-	0%
Natural Gas	523103	-	-	-	-	0%
Liability Insurance	525104	90.00	1,091.00	1,091.00	-	100%
Property Insurance	525107	-	-	-	-	0%
Vehicle Insurance	525108	-	-	-	-	0%
Diesel Fuel	532100	-	-	-	-	0%
Gasoline	532101	-	-	-	-	0%
<b>**Total Non-Discretionary Expenditures**</b>		<u>12,264.71</u>	<u>73,429.08</u>	<u>73,767.43</u>	<u>(338.35)</u>	<u>100%</u>
<b>**Non-Discretionary Capital Outlay Expenditures**</b>						
<b>**Total Non-Discretionary Capital Outlay Expenditures**</b>		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
<b>**Debt Service**</b>						
<b>**Total Debt Service**</b>		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0%</u>
<b>**Transfers Out**</b>						
Operating Transfer Out-Inter	571100	<u>76,764.67</u>	<u>50,000.00</u>	<u>76,764.67</u>	<u>(26,764.67)</u>	<u>154%</u>
<b>**Total Transfers Out**</b>		<u>76,764.67</u>	<u>50,000.00</u>	<u>76,764.67</u>	<u>(26,764.67)</u>	<u>154%</u>
<b>Total Expenditures</b>		<u>127,431.48</u>	<u>570,188.08</u>	<u>523,238.08</u>	<u>46,950.00</u>	<u>92%</u>
<b>Net Revenues over/(under) Expenditures</b>		<u>(127,431.48)</u>	<u>(563,688.08)</u>	<u>(513,688.08)</u>	<u>50,000.00</u>	
<b>Net Revenues over/(under) Expenditures (without transfer out)</b>					76,764.67	

FY14 Operation transfer to FHAP Fund 7936

## **LGBTQIA+ Summit**

The Summit was held on September 4, 2014 from 6-9pm at the Veterans Memorial facility. There was a good turnout of approximately 65 attendees.

As you see in the evaluation handouts, all areas scored between “good” and “excellent.” On scale of 1-4 (1 being poor and 4 being excellent) the average score was 3.5.

The Summit began with a panel of 4 local LGBT community members who were asked to share their experiences. They shared examples of discrimination they witnessed, discussed possible solutions, and answered formulated questions. This was a very highly ranked area of the Summit.

Ashland Johnson, Policy Council for the National Center for Lesbian Rights provided the keynote addressing fair housing laws and equal access rules for the LGBT community. Her presentation was very well received.

The group broke out into groups to discuss needs and issues in the community: Fair Housing/Know Your Rights, Community Connections, Events, Aging LGBT community.

Some issues that were immediately identified as areas of concern include:

- A strong need for a Gay and Lesbian Resource Center
- Concerns for LGBT youth
  - Foster care concerns
  - Where can they gather in a safe environment?
- Provide a training for area assisted living communities and nursing homes on LGBT issues

We will need to ascertain the role of the Commission moving forward because many of the identified needs of the LGBTQIA community are outside the jurisdiction of the CRCRC

The following persons who attended the Summit can also provide their feedback:

### **Commissioners**

Emily Bowman (on planning committee)

Tamara Cronin

Leland Freie

Robin Tucker

### **Staff**

Stefanie Munsterman-Robinson (on planning committee)

Johnny Alcivar Zuniga

Andrea Darnell

LaSheila Yates

Respectfully submitted by:

Stefanie Munsterman-Robinson

Senior Investigator and Mediator

**Public Hearing**

Benito Tapia v Collins Community Credit Union  
Administrative Law Judge Robin O'Brien Licht will preside  
September 29, 2014 beginning at 8:30am  
Office of the Cedar Rapids Civil Rights Commission

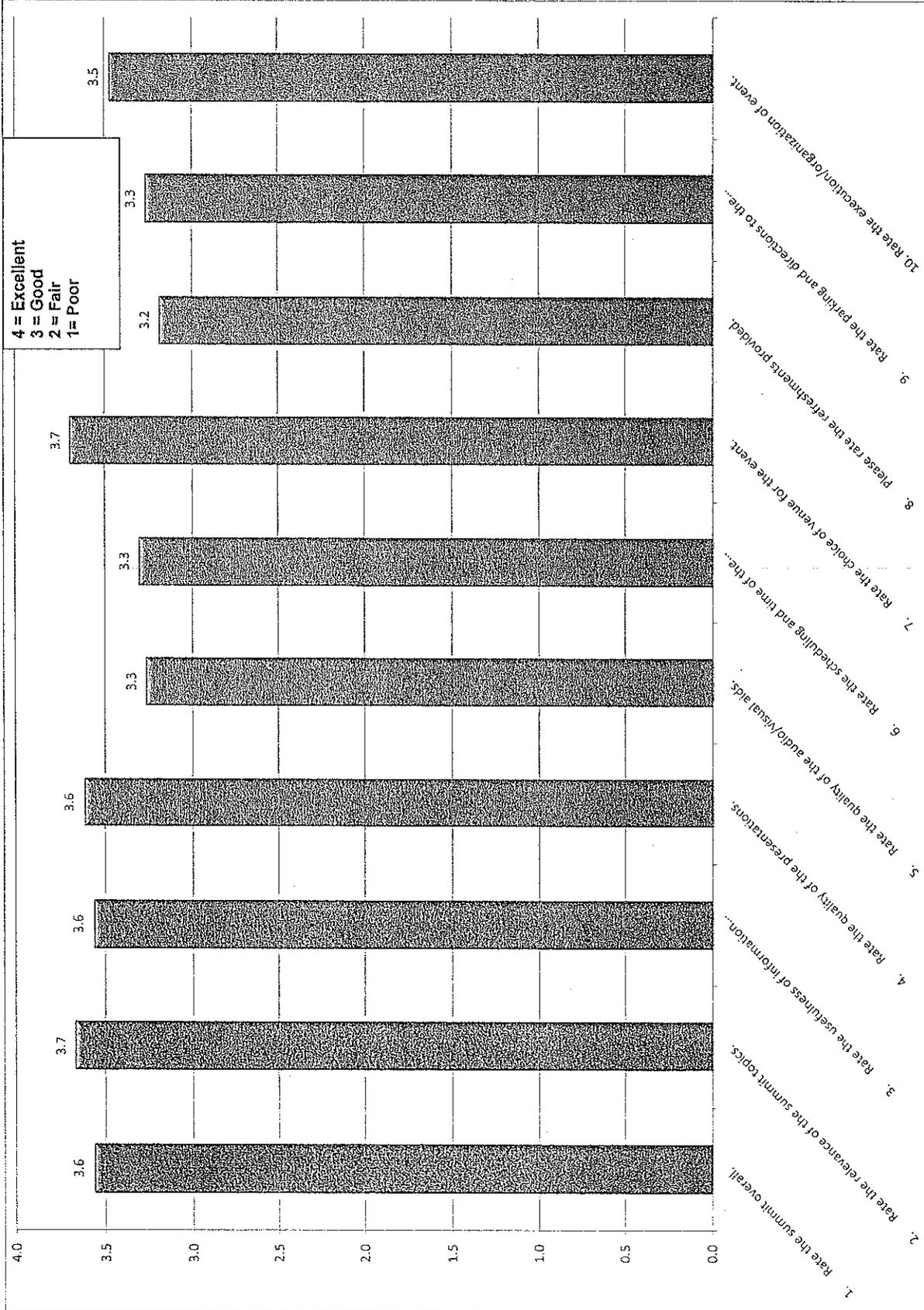
Benito Tapia (the Complainant) alleges he was subjected to disparate treatment by Collins Community Credit Union (the Respondent) for reasons related to his race in the area of credit. He indicated to the Commission that he was wrongfully denied a checking account by Collins Community Credit Union based upon his race.

This case was rendered a probable cause finding and this finding was reviewed and approved by the Director and a Commissioner.

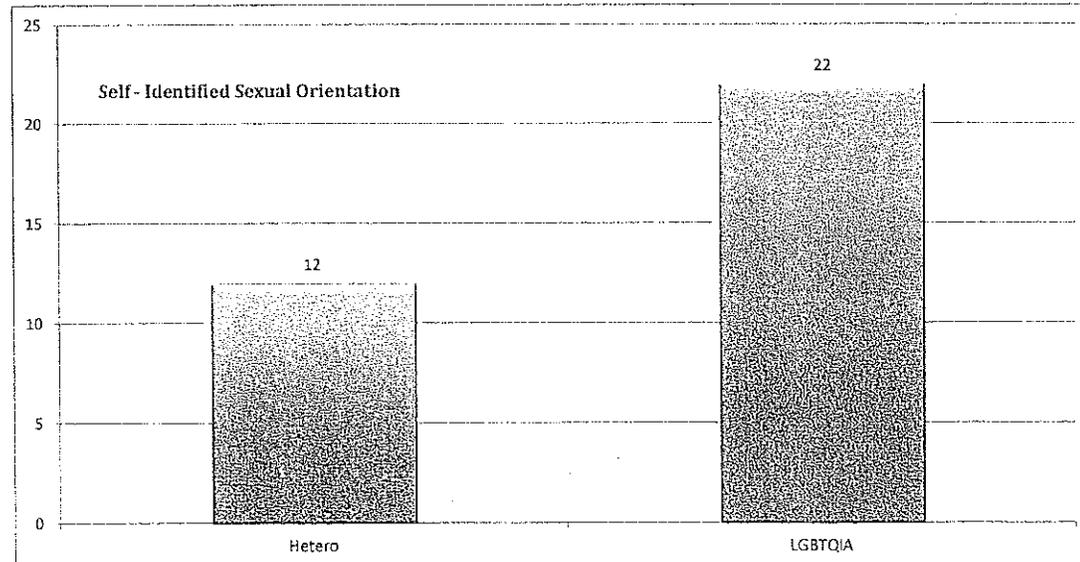
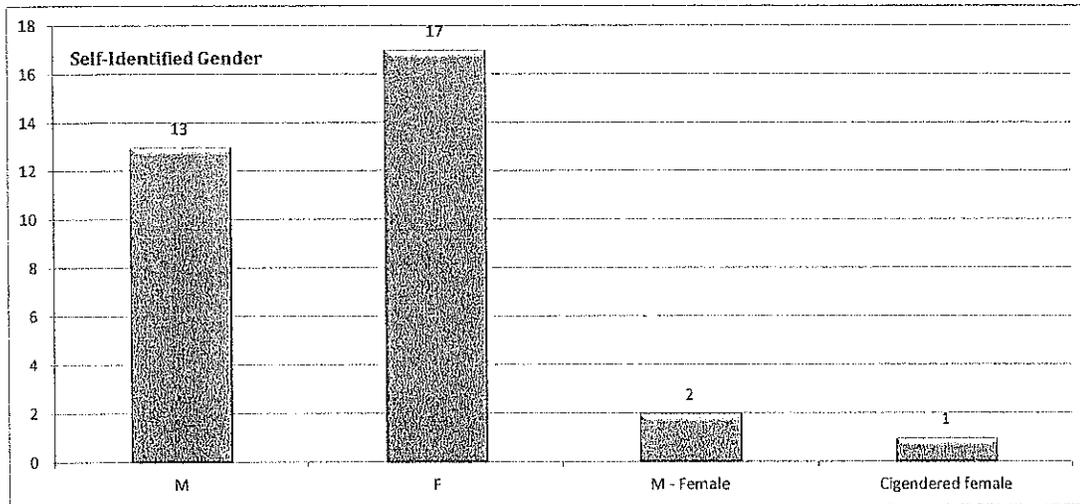
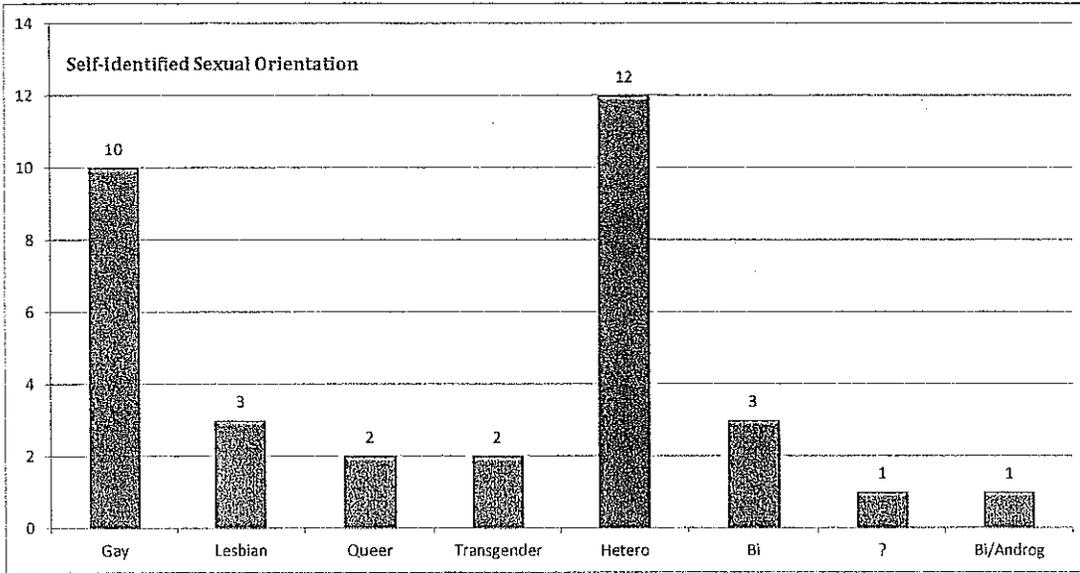
Investigator Munsterman-Robinson brought this case before the Commissioners for a vote to send the case to a Public Hearing. The Commissioners voted unanimously to send the case to Public Hearing; subsequently, the Public Hearing has been scheduled for September 29, 2014 at the Commission office. Investigator Munsterman-Robinson has been working with Assistant City Attorney Trish Kropf in preparation for this case.

Respectfully submitted by:  
Stefanie Munsterman-Robinson  
Senior Investigator and Mediator

# AVERAGE SCORES FROM EVALUATION



## DEMOGRAPHICS OF ATTENDEES



Average Age 41

## TERMS and DEFINITIONS

<b>Ally</b>	A member of the majority/dominant group who works to support and advocate for the LGBTQIA population.
<b>Asexual</b>	A person who does not experience sexual attraction towards anyone. Asexuals view their asexuality in different ways and are extremely diverse.
<b>Bisexual</b>	A person who is attracted sexually and emotionally to members of both sexes. (Assumes a binary understanding of gender)
<b>Cisgender</b>	A cisgender person is someone who identifies as the gender/sex they were assigned at birth. For example, your birth certificate says female, and you identify as a female woman.
<b>Gay</b>	Commonly used to describe a man who is attracted physically, romantically, emotionally and/or spiritually to other men. Some women prefer the term "gay" over "lesbian." Gay can also be an umbrella term for many people who identify within the LGBTQIA realm.
<b>Heterosexual</b>	A person who is attracted physically, romantically, emotionally and/or spiritually to people of the opposite sex.
<b>Intersex</b>	A term to describe a person whose biological sex is ambiguous. There are many genetic, hormonal, and/or anatomical variations which cause someone to be intersex. The term intersex is preferred to "hermaphrodite," which is now considered a derogatory term.
<b>Lesbian</b>	A woman who is attracted physically, romantically, emotionally and/or spiritually to other women.
<b>Queer</b>	An umbrella term to refer to all LGBTIQ people.
<b>Questioning:</b>	A person who is in the process of determining their sexual orientation or gender identity.
<b>Transgender</b>	A person whose gender identity and/or gender expression differs from the sex they were assigned at birth. A person who feels that the binary gender system (male/female) is an incomplete description of who they are. An umbrella term for people whose anatomies and/or appearance do not conform to predominant gender roles.

LGBTQIA+ September 4 Summit Comments

11. What is the most important piece of information you will take away from the summit?

- There is lots of support I had no idea existed
- Rules and regulations about discrimination and identifying resources
- How important the foster program is for LGBT youth. How hard it is for placement of LGBT kids. The small presence in the community
- Understanding of current public support vs. prior years
- That there needs to be more laws protecting LGBT people for housing discrimination
- Despite progress issues and barriers remain
- I did not know the LGBT community is as large as it is here in Cedar Rapids
- The legal info presented by Ms. Johnson
- FHA or EAR
- Need for housing for LGBT youth in our community
- Better understanding law. Foster care needs for gay kids.
- Suspect discrimination - report
- Signs of hope for future generations
- People are interested in working on this subject
- Information on legislation that protects housing rights
- HUD regulation/protection
- That there is more work to be done
- Some of the laws
- That the Cedar Rapids Civil Rights Commission is doing something about housing and the LGBTQI community
- Who to contact when discrimination is suspected
- Other activists in process. Wants and needs of LGBTQIA community
- HUD equal access rule
- Sexual orientation and gender identity are protected classes in Iowa
- There are laws to help and the civil rights commission will help
- work needs to be done
- knowing my rights
- Information regarding the need for LGBT training for elder care facilities
- Knowledge of available topics and organizations that can assist if discrimination is suspected
- The difference between equal access and fair housing
- HUD equal access rule

LGBTQIA+ September 4 Summit Comments

12. Based on your experience, how likely are you to attend future summits?

On scale of 1-10 - 10 (Yes)

Very likely

Very likely

Very likely

Very

Likely

Fairly likely

Yes?

Very likely

Very

Depends on topic

Very likely

Likely

Very

Very likely!

ABSOLUTELY - refer others

I will do my best to attend them all.

Very

very

Very likely

yes

yes

likely to attend

most certainly

Very likely

Fairly likely

yes

Very likely

very likely. I will definitely attend future summits

would attend!

yes

Definitely

LGBTQIA+ September 4 Summit Comments

**13. How will you use what you have learned today?**

Not sure specifically but I will read all brochures and pass on info as needed

Help clients, identify resources if they are discriminated against, not only housing but in general

I would like to be more active in the CR community

Not sure, I do feel enlightened by the topics covered

Help lobby for more protection

While we have not been or had experience with housing inequality, we will certainly be a resource of information for those who may be

Discussions with others

Contact nursing homes to find out about training

This helped me with the first step to gaining more information on this topic

In social services to serve clients

Encourage more participation within my group at people and work for equality.

Tell our church, community and family

I will look up chapter 69, CR and chapter 31 in Marion to see how I can use them in my job to help my clients

Keep the knowledge and share when asked for help

To spread awareness

Expansion of awareness and future advocacy opportunities

I will take it back to my job to be better prepared as a resource

I will email it back to my Masters in social work program

I will talk with my co-workers more regarding these topics

With the clients I work with and co-workers

I will inform people at the shelter where I work and to my university professor

LGBTQIA+ September 4 Summit Comments

14. What suggestions do you have for future topics or events?

- How to foster/promote solidarity vs. isolationism
- I really appreciated the panel at the beginning
- Youth events would be exciting to see. LGBT foster program, understand what LGBT is for youth and a place to gather that is non-bar or club
- Building a new GLRC, also barriers for others more explicitly woven in (racial, ethnic, handicap)
- More understanding transgender population
- I would like to learn more about foster youth and housing issues for LGBT identified metro area children and teens. How can we help or advocate?
- Building a stronger LGBTQIA youth committee/organization
- Outreach to youth
- Setting up a community group to offer a space for the GLBT community
- LGBT resources in Cedar Rapids. How to support LGBT clients.
- More focus on Cedar Rapids issues
- Snacks are nice, include some vegetarian options and more water
- How to organize and mobilize for change
- "Mixer" at a "mainstream" bar, brewery, restaurant. Potlucks, happy hours?
- Cultural competency training for working with trans individuals
- Guest speakers are a great idea
- Advocacy for homeless GLBT
- Community leadership

## LGBTQIA+ September 4 Summit Comments

### 15. What suggestions or comments do you have to help us improve for future events?

- More outreach if possible
- Strive for high profile speakers who can be "trumpeted" in advance to drive interest and attendance
- Increased info resources connections
- The environment was excellent - still intimate and we could see/hear all participants. Perhaps keep timing and access to schedule availability (prior to event) kept better.
- Keep on time. Keynote went a bit short
- Rather than having pre-selected breakouts, it would be better served for people to offer people the opportunity to discuss/speak about what they care about.
- More publicity getting more people involved!
- Smaller groups - and less loud breakouts. Couldn't actually hear most of our conversation
- A little earlier- 9pm gets a little late and handouts would be helpful from the keynote speakers
- Include people from the school district
- I couldn't always hear the presenters. Also more vegetarian friendly snacks
- More food! If at night maybe a potluck? On weekend? More time for mingling? Maintain breaks!
- Food and drink, especially over dinner hour or make it a happy hour event. More social mingling
- better attorney, more topics like this
- Maybe find a place with better acoustics?
- A full day event would be good or a more focused topic/theme of event
- Provide more substantial snacks especially if it will be over the dinner hour
- The panelists were great community members but maybe more people to share discrimination related stories?

## LGBTQIA+ September 4 Summit Comments

### 16. Additional Comments:

Thanks! I know this was a lot of work but excellent!!!

Good job

Need multiple microphones for the panel

When we thank sponsors at the beginning - we should have that written and scripted so every sponsor is clearly and completely thanked/recognized and none are left out. This is critical to ensure future sponsorships

2 hours is a better/easier timeframe to commit and process given information.

Thanks to the committee for putting this together.

Great Summit!

Break out sessions too close together so can't hear much

Local news blasts

Wonderful venue and great speaker

Better microphones and projector

Excellent panel discussion. The history portion of the program was an effective and enlightening grounding for the event. Great range!

This was awesome and I learned a lot. Thank you!

I feel the summit was an excellent event. I would like to see this type of thing continue

Great!

## Cedar Rapids Civil Rights Commission

Director's Report

September 17, 2014

### STAFF CHANGES

- Administrative Assistant II position: Executive Director is coordinating with the HR Department to review applications and setup interviews.

### INFORMATIONAL ITEMS

- Former staff member with the Commission, Darryl Lipscomb, has passed away. Staff is the process of gathering additional information and will be sure to keep everyone posted about the arrangements. LaSheila provided staff with information regarding the City's Employee Assistance Program. The Employee Assistance Program is a free resource available to City employees to work through various matters, including grief and loss.
- The department has a backlog of complaints under investigation, with an average investigation of over 300 days. HUD establishes a national standard for investigation of housings complaints of 100 days. Staff is researching the national standard for cases filed with the Equal Employment Opportunity Commission and other agencies within the region. Information gathered will be used to develop standards and timelines for investigating cases with the Commission. Staff will also start using compliant process timelines and project work plans to better manage plan complaints and projects.
- Stefanie and Janet will recognized for their dedication and over 5 years of with the City of Cedar Rapids at the this year's 4th Annual Employee Service Awards on October 2, 2014 from 11:15am-1:00pm at Usher's Ferry Lodge. The event free and open to Commissioners and staff. However, if you are planning to eat, there is \$5 cost for lunch that will need to be paid the day of the event in the form of cash.
- To RSVP, please email Andrea Darnell at a.darnell@cedar-rapids.org no later than close of business Wednesday, September 17th.
- Staff is reviewing Memorandums of Understanding (MOUs) that were established under the FY13 partnership funding through the HUD Fair Housing Assistance Program (FHAP) and is working with the finance department to process payments.
- Benny Tapia v. Collins Community Credit Union Public Hearing, Monday, September 29, 2014 8:30am CRCRC.
- Investigators Elizabeth and Virginia will be participating in Week 2 of the National Fair Housing Training Academy (NFHTA) September 1-30, 2014 in the online format.
- Staff and Commissioners have participated in site visits at the Veterans Memorial Office Space. The next site visit is scheduled for Thursday, September 18<sup>th</sup> from 2-3pm, starting at the 2<sup>nd</sup> Ave entrance.
- LaSheila will be placing a resolution on the September 23<sup>rd</sup> City Council meeting, to approve the agreement between the Iowa Civil Rights Commission and the City of Cedar Rapids Civil Rights Commission for the processing of cases.
- The Civil Rights Commission lease at the current location on 4<sup>th</sup> Ave ends on November 30, 2014. The Commission is exploring the possibility of securing office on the 7<sup>th</sup> floor of the Veterans Memorial building. Initial discussions have taken place between Chairperson Rippy, Commissioner Ingram, Civil Rights Director LaSheila, and Veterans Memorial Director Mike Jager.

### UPCOMING EVENTS

- *National Disability Employment Awareness Month - City of Cedar Rapids Proclamation (October 7th 12:00pm)*

The Outreach and Education Committee will be accepting a proclamation for National Disability Employment Awareness Month at the City of Cedar Rapids October 7<sup>th</sup> City Council meeting at 12:00pm.

- *A Face for Fairness: Fair Housing for All - Video and Poster Contest (Live August 7, 2014)*  
WE CREATE HERE <http://www.wecreatehere.net/fairhousing/> and the Cedar Rapids Civil Rights Commission partnered to launch a Video and Poster contest in order to gather community perspectives on the impact of Fair Housing on community pride, the economy and the wellbeing of people in the Cedar Rapids/Marion area.
- *Latino Professional Development Institute (October 3, 2014)*  
The Latino Professional Development Institute is part of the 16th Annual “Strengthening and Valuing Latino/a Communities in Iowa” conference to be held October 3, 2014 from 8:30-4:30pm at the University of Iowa, Iowa Memorial Union in Iowa City, Iowa. The Institute supports Latino and Non-Latino professionals working with Latino youth, families and communities in Iowa. To register for the conference, please visit: <https://events.r20.constantcontact.com/register/eventReg?oeidk=a07e9oabn7s46f33f54&c=&ch=>  
There is a registration limit of 150. Registration fees are \$59.00 (including lunch) and \$40.00 (without lunch). The opening ceremony will be given by keynote speaker Consuelo Castillo Kickbusch, followed by the State of Latino Youth in Iowa presentation by John-Paul Chaisson Cardenas.

**HUD FY2014 COOPERATIVE AGREEMENT**

- Up for annual review and agreement
- Different from contract offered in FY13

<b>FY14 Agreement</b>	<b>FY13 Agreement</b>
Complaint Processing, 11 cases - \$26,780	Complaint Processing, 11 cases - \$20,267
Cause Case Funding, 0 cases - \$0	Cause Case Funding, 0 cases - \$0
HUD Approved Training - \$16,250	HUD Approved Training - \$6,500
Administrative – \$6,000	Administrative – \$2,000
<b>Total = \$49,030</b>	<b>Total = \$28,767</b>

- Agreement signed by Executive Director due September 22, 2014. Additional supporting documents due October 31, 2014.

Respectfully submitted by LaSheila Yates  
 Executive Director  
 425 2nd Street SE, Suite 960  
 Cedar Rapids, IA 52401  
 Office: (319) 286-5123  
[l.yates@cedar-rapids.org](mailto:l.yates@cedar-rapids.org)



## Council Agenda Item Cover Sheet

**Council Meeting Date:** September 23, 2014

**Submitting Department:** Civil Rights Commission

**Presenter at meeting:** LaSheila Yates  
**Email:** [l.yates@cedar-rapids.org](mailto:l.yates@cedar-rapids.org)

**Phone Number/Ext:** 319-286-5004

**Alternate Contact Person:** Stefanie Munsterman-  
Robinson  
**Email:** [s.robinson@cedar-rapids.org](mailto:s.robinson@cedar-rapids.org)

**Phone Number/Ext:** 319-286-5123

**Description of Agenda Item:**  **Consent**     **Public Hearing**     **Regular Agenda**  
Resolution approving execution of a Cooperative Agreement between the Iowa Civil Rights Commission and Cedar Rapids Civil Rights Commission for satisfactory intake and resolution of civil rights complaints. CIP/DID #

**Background:**

The Cedar Rapids Civil Rights Commission (CRCRC) has maintained a Cooperative Agreement with the Iowa Civil Rights Commission (ICRC) for several years, with the most recent agreement running from July 1, 2013 to June 30, 2014. The CRCRC been asked to provide the intake and investigative services for civil rights complaints that whose allegations fall within the prohibitions of sections 216.6, 216.7, 216.8A, 216.9, 216.10, and 216.11 of the Iowa Code. In return, ICRC will pay the CRCRC for these services in accordance with the payment schedule below.

Activity	Description	Payment
Intake	Complaint sent to ICRC for processing and investigation within 7 days (housing) or 30 days (non-housing) of initial filing date with local agency.	\$500 for housing cases \$250 for non-housing
	Complaint sent to ICRC for processing and investigation greater than 30 days (housing); or 60 days (non-housing) of initial filing date with local agency.	\$250 for housing cases \$150 for non-housing
	Complaint sent to ICRC for processing and investigation within 7 days but less than 30 day (housing); or 30 days but less than 60 day (non-housing) of initial filing date with local agency.	\$0
Resolution for Non-Housing Cases	Complaint resolutions sent to ICRC for closure processing within 180 days of initial filing date with local agency.	\$325
	Complaint resolutions sent to ICRC for closure processing greater than 180 days but less than 600 days of initial filing date with local agency.	\$200
	Complaint resolutions sent to ICRC for closure	\$0

	processing greater 600 days of initial filing date with local agency.	
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The ICRC also holds agreements with other local commissions throughout the state to perform similar work. The total amount of funds the ICRC will spend is \$45,000; which will be provided on a first come first serve basis.

If approved, the new Cooperative Agreement will run from July 1, 2014 to June 30, 2015. The signed agreement is to be submitted to the ICRC no later than October 15, 2014

**Action / Recommendation:**

City staff recommends approval of the resolution.

**Alternative Recommendation:**

City Council may table the items and request additional information.

**Time Sensitivity:** The signed agreement is due to the ICRC no later than October 15, 2014

**Resolution Date:** September 23, 2014

**Estimated Presentation Time:** 0 minutes

**Budget Information (if applicable):**

**Local Preference Policy** Applies  Exempt  N/A

**Explanation:**

**Recommended by Council Committee** Yes  No  N/A

**Explanation (if necessary):**

RESOLUTION NO.  
RESOLUTION APPROVING EXECUTION OF A COOPERATIVE AGREEMENT BETWEEN  
THE IOWA CIVIL RIGHTS COMMISSION AND CEDAR RAPIDS CIVIL RIGHTS COMMISSION  
FOR SATISFACTORY INTAKE AND RESOLUTION OF CIVIL RIGHTS COMPLAINTS

WHEREAS, the Iowa Civil Rights Commission has submitted a Cooperative Agreement with the Cedar Rapids Civil Rights Commission, and

WHEREAS, the Cedar Rapids Civil Rights Commission has maintained a Cooperative Agreement with the Iowa Civil Rights Commission for several years, with the most recent agreement running from July 1, 2013 to June 30, 2014.

WHEREAS, the agreement allows for the satisfactory intake and resolution of complaints whose allegations fall within the prohibitions of sections 216.6, 216.7, 216.8A, 216.9, 216.10, and 216.11 of the Iowa Code, and

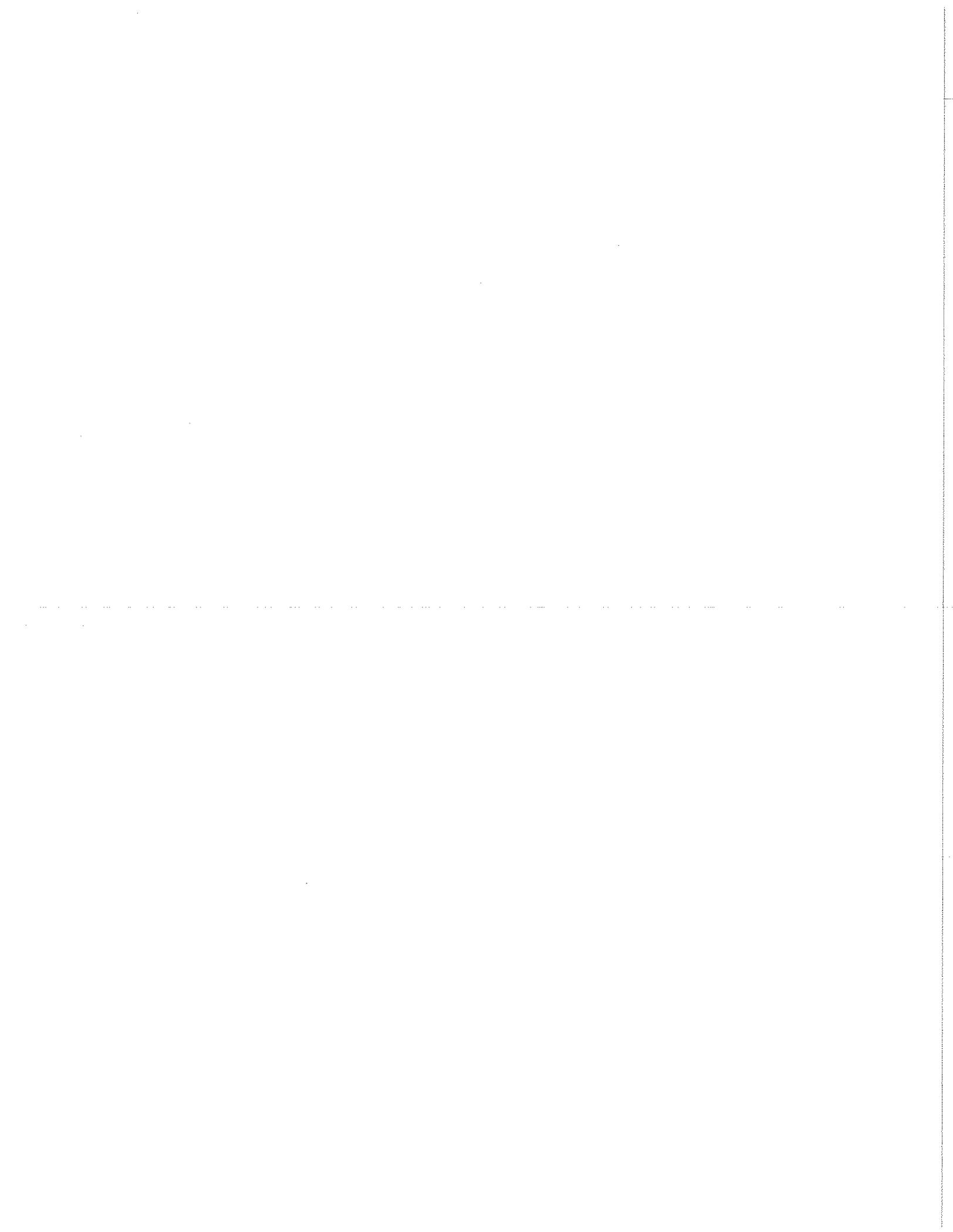
WHEREAS, the agreement will run from July 1, 2014 to June 30, 2015, and

WHEREAS, the Iowa Civil Rights Commission also holds agreements with other local commissions throughout the state to perform similar work. The total amount of funds the ICRC will spend is \$45,000, which will be provided on a first come first serve basis, and

WHEREAS, said agreement as submitted meets the approval of the Cedar Rapids Civil Rights Commission, now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA that the Civil Rights Commission is hereby authorized to execute a Cooperative Agreement with the Iowa Civil Rights Commission.

Passed this 23rd day of September, 2014.



**Cedar Rapids Civil Rights Commission Case Report - September 17, 2014**

<b>Cases Filed September 2013 - September 2014</b>		
September 2013	4	2 Emp, 1 Hsg, 1 Credit
October 2013	3	3 Emp
November 2013	4	3 Emp, 1 PA
December 2013	4	2 Emp, 1 Hsg, 1 PA
January 2014	5	2 Emp, 3 Hsg
February 2014	2	2 Emp
March 2014	3	3 Emp
April 2014	3	1 Emp, 2 Hsg
May 2014	6	5 Emp, 1 Hsg
June 2014	5	2 Hsg, 3 Emp
July 2014	10	4 Hsg, 6 Emp
August 2014	0	
September 2014 (9/1/14-9/16/14)	3	3 Emp
<b>TOTAL</b>	<b>52</b>	

<b>Cases Closed September 2013 - September 2014</b>		
September 2013	3	1 Emp, 2 Hsg
October 2013	7	4 Emp, 2 Hsg, 1 PA
November 2013	4	2 Emp, 2 Hsg
December 2013	4	2 Hsg, 2 Edu
January 2014	1	1 Emp
February 2014	0	
March 2014	4	3 Emp, 1 Hsg
April 2014	2	1 Emp, 1 Hsg
May 2014	1	1 Hsg
June 2014	3	2 Hsg, 1 Emp
July 2014	4	1 Hsg, 2 Emp, 1 Edu
August 2014	0	
September 2014 (9/1/14-9/16/14)	1	1 Emp
<b>TOTAL</b>	<b>34</b>	
<b>Out w/Commissioners</b>	<b>0</b>	

<b>Settlements September 2013 - September 2014</b>		
August 2013	0	\$0
September 2013	1	\$8,250
October 2013	1	\$4,500
November 2013	0	\$0
December 2013	0	\$0
January 2014	0	\$0
February 2014	0	\$0
March 2014	0	\$0
April 2014	0	\$0
May 2014	0	\$0
June 2014	0	\$0
July 2014	0	\$0
August 2014	0	\$0
September 2014 (9/1/14-9/16/14)	0	\$0
<b>TOTAL</b>	<b>2</b>	<b>\$12,750</b>

<b>Case Assignments</b>		
Munsterman-Robinson, S	16	1 Cr, 11 Emp, 3 Hsg, 1 PA
Abejo, Janet	18	1 Cr, 2 Edu, 9 Emp, 5 Hsg, 1 PA
Sipes, Virginia	19	19 Emp
Macias, Elizabeth	10	9 Emp, 1 PA
<b>TOTAL</b>	<b>63</b>	
<b>Intakes In Process</b>	<b>11</b>	
<b>TOTAL</b>	<b>74</b>	

CEDAR RAPIDS  
CIVIL RIGHTS COMMISSION  
RULES OF PRACTICE

CHAPTER 1  
RULES OF PRACTICE  
DECLARATION OF PURPOSE

**Comment [JP1]:** Please note that other minor changes will be also made for final draft– such as:  
• Change in Chapter / section / subsection captions  
• Change in numbering

The mission of the Cedar Rapids Civil Rights Commission is: “To secure for all individuals within the City of Cedar Rapids freedom from discrimination because of age, color, creed, disability, familial status, gender, identity, marital status, national origin, race, religion, sex, or sexual orientation.”

The Vision of the Cedar Rapids Civil Rights Commission is: “A Cedar Rapids Community that is welcoming, inclusive and preserves the personal dignity of all people regardless of their age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, or sexual orientation so that we all may fulfill our productive capacities.”

~~The mission of the Cedar Rapids Civil Rights Commission is to secure for all individuals within the city of Cedar Rapids freedom from discrimination through advocacy, outreach and enforcement of the Cedar Rapids Civil Rights Ordinance.~~

SCOPE OF RULES AND GENERAL CONSTRUCTION

These rules are intended to carry out the provisions of the Cedar Rapids, Iowa Code of Ordinances, Chapter 69, Civil Rights Commission and the Cedar Rapids Civil Rights Commission Charters.

The rules of the commission are intended to promote the purposes of the ordinance, the efficient operation of the commission, and the orderly administration of the ordinance. The rules shall not be deemed or construed to limit the powers conferred upon the commission by the ordinance. They are to be liberally construed to ensure the accomplishment of these purposes and may in specific instances be waived by the commission in its discretion for good cause shown.

Where the Cedar Rapids Civil Rights Ordinance is stricter than the state and/or federal law regarding areas of coverage and bases, the Cedar Rapids Civil Rights Ordinance takes precedence

**Comment [SVE2]:** Moved to Scope of Rules from:  
1.3 THE COMPLAINT:  
1.3(5) Deferral, Referral, or Withdrawal of Complaint:  
d. Stricter local coverage - Where the Cedar Rapids Civil Rights Ordinance is stricter than the state and/or federal law regarding areas of coverage and bases, the Cedar Rapids Civil Rights Ordinance takes precedence, infra.

~~1.1~~ DEFINITIONS:

The following terms are to be defined as found in the Cedar Rapids, Iowa Code of Ordinances, Chapter 69, Civil Rights Commission, unless the context otherwise requires:

“Commission”, “Commissioner”, “Complainant”, “Conciliation”, “Court”, “Disability”, “Employee”, “Employer”, “Employment agency”, “Executive Director”, “Familial status”, “Gender Identity”, “Labor organization”, “Marital Status”, “Person”, “Person charged” or “Respondent”, “Probable cause”, “Public Accommodation”, “Sexual orientation”, “Unfair practice” or “Discriminatory practice”.

The following terms are to be defined as found in the Cedar Rapids Civil Rights Commission Standard Operating Procedure for the Compliance Team, unless the context otherwise requires: “Compliance Team” and “Intake Specialist”.

1.1(1) The term “Ordinance” as used herein shall mean the Cedar Rapids Civil Rights Ordinance, Chapter 69, as amended.

1.1(2) The term "Chairperson" shall mean the chairperson of the Cedar Rapids Civil Rights Commission ("CRCRC" hereinafter), and the term "Commissioner" shall mean any member, including the chairperson, of the Cedar Rapids Civil Rights Commission. At all times it will be necessary that a quorum be present before the commission can transact any official business.

1.1(3) The term "issuance" shall mean mailing, by U.S. certified mail, a document or letter indicating a decision issued by the commission. The "date of issuance" shall be the date the commission mails a document or letter indicating a decision by the commission by U.S. certified mail.

1.1(4) Final Actions. The following procedures shall constitute final actions of the commission:

a. The term "no probable cause finding" shall mean the procedure by which a complainant and respondent are notified that the investigating official has found that there is no probable cause to believe that discrimination exists after reviewing an investigation of a complaint.

b. The term "withdrawn" shall mean that a complainant has indicated in writing the desire that no further action be taken by the commission regarding his/her complaint.

c. The term "~~satisfactorily satisfactory resolutionadjusted~~" shall mean that the complainant has indicated in writing that the complaint has been resolved to his/her satisfaction and that no further action is desired from the commission. Whenever the offer of adjustment by a respondent is acceptable to the investigating official, but not to the complainant, the commission may close the case as satisfactorily adjusted.

**Comment [SVE3]:** Term used by CRCRC and Ch 69.13(f).

d. The term "successfully conciliated" shall mean that a written agreement has been executed on behalf of the respondent, the contents of which are designed to remedy the alleged discriminatory act or practice and any other unlawful discrimination which may have been uncovered during the course of the investigation.

e. The term "no jurisdiction" shall mean that the alleged discriminatory act or practice is not one that is prohibited by the civil rights ordinance or where the complaint does not conform to the requirements of the ordinance.

f. The term "administratively closed" shall mean that a case may be closed by the investigating official for a variety of reasons and that no further action will be taken. [See 1.4(3) for examples]

~~1.1(5) The term "terms and conditions of employment" as used herein shall include but is not limited to medical, hospital, accident and life insurance or benefits, leaves, vacations, and other terms, conditions, and privileges of employment.~~

~~1.1(6) The term "injury" as used herein shall mean a loss of a pecuniary benefit, right, or an offense against a person's dignity.~~

**Comment [SVE4]:** These terms do not appear in the Code and are not otherwise applicable.

1.2 COMMISSION AND POWERSORGANIZATION AND GENERAL INFORMATION:

1.2(1) *Commission:* The Cedar Rapids Civil Rights Commission is an eleven-member (11-member) body broadly representative of the community. Members are appointed by the Mayor and confirmed by the City Council for a term of three (3) years.

—The Commission is authorized to employ and dismiss a Commission staff consisting of a full-time, paid Executive Director and additional staff and supply such facilities as it deems necessary to properly carry out its work function. This shall be done within the budget established by the Commission and to be first approved by the City Council before any expenses are incurred.

**Comment [SVE5]:** Clarifies that Executive Director hires / manages staff.

(2)—To assist the Commission in fulfilling its duties and responsibilities under the Ordinance, a minimum of three standing ~~and non-standing~~ committees shall be chartered and appointed, ~~as necessary~~. These shall be:

Commission Development and Personnel Committee to: (a) Provide guidance and support to the Executive Director and City Human Resources Department regarding staffing and human resources issues; (b) Lead induction and training process for new commissioners; (c) Advise CRCRC regarding commissioner removal recommendations; (d) Provide guidance and support to Commission Chair related to hiring evaluation of Executive Director; (e) Facilitate nominations for annual officer election

**Comment [SVE6]:** City Attorneys: Please confirm that this approach for the dismissal of a Commissioner works from your viewpoint. The Commission Committee Charters are attached to the Rules of Practice as an Appendix; The Commission Development and Personnel Committee Charter can be revised to outline the process for the Committee's recommendation to the full Commission for the removal of a Commissioner. Then, after a recommendation is approved by the full Commission, the Commission will make a recommendation to the Mayor for removal of a Commissioner. The Mayor will carry out the removal.

Finance Committee to: (a) Work with the Executive Director to insure the financial well-being of the Commission; (b) annually communicate financial requests to mayor, city council and/or city manager

Outreach and Education Committee to: support and magnify staff efforts to reach the community.

In addition, the commission may appoint and charter any number of non-standing committees to assist it in fulfilling its duties and responsibilities under the Ordinance.

1.2(2) *The Commissioners:* The commissioners initiate, develop, and define the policies of the commission; participate equally in all matters that come before the commission in the exercise of its powers; decide questions by a majority vote of the quorum being present; initiate commission complaints of discrimination where appropriate; authorize and approve the filing of legal suits; and perform such other functions as may be authorized by the commission, requested by the chairperson, or prescribed by the ordinance.

1.2(3) *Elections:* The commission annually (each January), at the first regularly scheduled meeting after the first of the year, shall elect from its members a chairperson and a vice-chairperson and such other officials as the commission shall determine. The chairperson and the vice-chairperson shall serve for one year or until their successors have been duly elected and qualified. The chairperson and the vice-chairperson are not eligible to be elected to more than 3 consecutive one-year terms. In case of a vacancy, they are eligible to be selected by the commission to serve an unexpired term.

**Comment [SVE7]:** See Ch 69.04(d).

Each December, the Committee Development and Personnel A nominating committee shall be appointed by the Chairperson at the regular meeting in November and shall report its proposed nominations for officers to the whole Commission. The Executive Director shall have a vote in the committee's nomination process at the first regularly scheduled meeting after the first of the year for election. A nominating committee shall consist of two (2) members of the Commission and the Executive Director.

**Comment [SVE8]:** See the Appendix, Commission Development and Personnel Committee Charter.

1.2(4) *The Chairperson:* The chairperson, on behalf of the commission, is responsible for the implementation of commission policy and the administration of the commission. The chairperson recommends policies, procedures, and programs to the commission; carries out other functions that are authorized by the commission or are necessary and proper for the carrying out of the powers granted by the ordinance.

1.2(5) *The Vice-Chairperson:* The vice-chairperson of the commission shall serve, in the absence of the chairperson, as acting chairperson; and, in the absence of the chairperson, the vice-chairperson shall

have all of the duties, powers, and authority conferred upon the chairperson by the ordinance and these rules. The vice-chairperson performs such other duties as the chairperson may assign.

If a vacancy occurs in the office of the chairperson, the vice-chairperson shall become the chairperson for the unexpired term of the ~~vice~~ chairperson.

**Comment [SVE9]:** Typographical error in original document.

If a vacancy occurs in the office of the vice-chairperson the commission will select another member to serve the unexpired term of the vice-chairperson.

1.2(6) *The Executive Director:* The executive director, under the direction of the commission, ~~hires~~ / ~~fires~~, manages and administers the staff of the commission. The executive director is responsible for the conduct of the investigations pursuant to Chapter 69 of the Municipal Code as amended. The executive director provides all supervision, coordination, evaluation, and general administration of the supervision process by evaluating and monitoring the performance of the compliance function for quality and quantity of production. The executive director directs and coordinates the commission office and line activities; assures that policies, procedures and programs approved by the commission are implemented; regularly reports to the commission as to the progress of the implementation of commission policies, procedures and programs; initiates recommendations for programs or specific action to the chairperson; develops operational standards for the commission staff and reviews the operations of the changes in programs, policies and procedures.

**Comment [SVE10]:** Clarifies role of the Executive Director.

(7) The Commission shall evaluate the Executive Director no less than once per calendar year in order to assure that the stated programmatic goals of the Commission are reached. The Commission Development and Personnel Committee and the Executive Director shall initiate the evaluation process each July in order to submit recommendations to the full Commission at its August meeting. The Executive Director's evaluation shall be based on a mutually agreed upon annual performance plan that outlines at least the following: (a) Commission priorities for that year; and (b) Measurable results/outcomes to be achieved by the Executive Director in the evaluation time period.

**Comment [SVE11]:** Provides for evaluation of Executive Director; see Commission Development and Personnel Committee Charter.

1.2(7) *Commission Meetings:* The commission shall meet once monthly and at such other times as the commission shall deem appropriate. Meetings of the Commission, including all hearings, shall be open to the public and shall be conducted in compliance with the provisions of the Open Meetings Law, Chapter 21, Code of Iowa.

All meetings of the Commission or of any committee shall be governed by and conducted pursuant to, the latest edition of ~~Robert's Rules of Order Newly Revised~~ Manual of Parliamentary Rules, most recent edition, and, in the event of an inconsistency between the same and the Ordinance, the Ordinance shall control.

**Comment [SVE12]:** This language allows for reference to the most current version of Roberts Rules of Order.

The chairperson, or vice-chairperson in the absence of the chairperson, or any three members of the commission, may call a special meeting by giving at least three (3) days notice to every member of the commission. The notice for a special meeting shall include an agenda, and only matters included on that agenda may be discussed at that meeting.

The presiding officer at each meeting shall be the chairperson or, in the chairperson's absence, the vice-chairperson. In the absence of both the chair and vice-chair, a temporary chair shall be appointed by the commissioners present, for the duration of the meeting or until the chair or vice-chair is in attendance. The presiding officer shall bring such meeting formally to order. A majority of the members of the commission serving shall constitute a quorum.

Regular meetings shall then proceed according to a written agenda, prepared in advance by the commission staff under the direction of the chairperson. Such agenda shall be sent at least 48 hours before the scheduled meeting to the commission members.

The members of the commission shall cause to be kept accurate minutes of each meeting. Prior to the next commission meeting, such minutes shall be reduced to writing in a concise but complete form and sent to each commission member. The minutes of each meeting shall be approved or amended at the commission meeting next held after such minutes have been mailed or otherwise delivered to the commission members.

~~1.2(8) Construction of Rules: The rules of the commission are intended to promote the purposes of the ordinance, the efficient operation of the commission, and the orderly administration of the ordinance. The rules shall not be deemed or construed to limit the powers conferred upon the commission by the ordinance. They are to be liberally construed to ensure the accomplishment of these purposes and may in specific instances be waived by the commission in its discretion for good cause shown.~~

**Comment [SVE13]:** Moved to Scope of Rules and General Construction, supra.

~~In situations where these regulations do not apply, the commission's discretion shall be exercised in accordance with traditional notions of fair play and substantial justice.~~

**Comment [SVE14]:**  
City Attorneys: Is there any benefit to including this language RE: personal jurisdiction / minimum contracts here in addition to reference to PJ is included in the Judicial Enforcement section, supra, which notes that enforcement is pursuant to Ch. 69.17(h) "upon showing that respondent is subject to the jurisdiction of the Commission and resides or transacts business within the City of Cedar Rapids, Iowa".

1.2(9) *Amendments and Availability of Rules:* New rules may be adopted, and any rule may be amended or rescinded by the commission at regular or special meetings, provided that such amendment or rescission shall require the approval of the majority of the members present at such meeting where a quorum is present. Notice of the proposed adoption, amendment, or rescission shall be given in writing to all members of the commission at least three (3) days before the meeting at which action is to be taken; except that said three-day (3-day) notice shall not be required when two thirds (2/3) of the members of the commission shall approve in writing any such adoption, amendment, or rescission.

The rules and regulations of the commission and any amendments, additions or modifications thereof shall be available to the public at the commission office.

### 1.3 THE COMPLAINT:

**Comment [SVE15]:** Added language supported by Ch 69.13.

~~1.3(1) Who May File: Any persons claiming to be aggrieved by discriminatory or unfair practices may, by themselves or their attorneys or personal representatives, make, sign and file with the Commission a verified written complaints in accordance with the Ordinance, specifically Ch. 69.13, verified pursuant to Iowa Code section 622.1 with the commission, within 300 days, except for housing complaints (see Ch. 2. Housing, supra.), after the last alleged unlawful discriminatory practice or act as defined by Ch. 69.~~

**Comment [SVE16]:** See Ch. 69.13(a),(b),(d).

~~A place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of the ordinance may file with the commission a verified, written complaint in accordance with the Ordinance, specifically Ch. 69.13(c), pursuant to Iowa Code section 622.1.~~

**Comment [SVE17]:** See Ch 69.13(b).

~~\* Verified does not necessarily mean notarized. Iowa Code 622.1 authorizes "verification without notary" so long as the following language precedes the complainant's signature: I certify that under penalty of perjury and pursuant to the laws of the State of Iowa and to the laws of the United States of America that the preceding charge is true and correct.~~

**Comment [SVE18]:** This term is defined above in context at 1.3 The Complaint, Paragraph 1.

~~The commission or a commissioner may initiate the complaint process by filing an administrative complaint pursuant to the Ordinance, specifically Ch. 69.13, and the Standard Operating~~

Procedures for Commission Initiated Complaints and Discovery of Probable Non-Case Related Illegal Activity, with the commission in the same manner as an aggrieved party.

**Comment [SVE19]:** See Ch 69.13(b), “The Commission, a Commissioner, or the City Attorney may in like manner, make, sign, and file such complaint.” See, also, CRCRC Standard Operating Procedure, Investigation Process: Commission Initiated Complaints.

A place of public accommodation, employer, labor organization, or other person who has any employees or members who refuse or threaten to refuse to comply with the provisions of the ordinance may file with the commission.

**Comment [SVE20]:** This language is moved to paragraph 2 in this section.

Any person who has cooperated with the investigation or brought charges and is receiving harassment as a result may file with the commission.

**Comment [SVE21]:** City Attorneys: Please confirm that this would be covered under Chs 69.10(b) and (c) and 69.11.

1.3(2) Form of Complaint: The complaint shall be in writing, the original being signed and filed with the commission.

1.3(3) Content: The eComplaints should include but are not to be limited to contain the following information:

- a. The full name and address of the person making the complaint.
- b. The full name and address of the person(s) alleged to have committed the discriminatory or unfair practices complained of.
- c. The type(s) of discrimination charged, i.e.-age, color, creed, disability, familial status, gender identity, marital status, national origin, race, religion, sex, sexual race, religion, color, national origin, ancestry, creed, sex, age, disability, sexual orientation, and orientation and the subsections of the Ordinance alleged to have been violated.
- d. A statement of the facts of the alleged discriminatory or unfair practice.
- e. The date(s) of the alleged discriminatory practice(s) and, if the unlawful discriminatory practice(s) or act(s) is/are of a continuing nature, the dates between which it is alleged to have occurred or is occurring.
- f. A statement as to any other action, civil or criminal, instituted in any other form based on the same grievance as is alleged in the complaint, together with a statement as to the status of disposition of the other action.

**Comment [SVE22]:** This language is modified to include the types of discrimination included under Ch 69.

g. Any additional information requested by the Commission’s Intake Form.

**Comment [SVE23]:** The addition of this language allows for modification of the Commission’s Intake Forms as needed.

1.3(4) Place and Manner of Filing: A complaint should be filed with the commission at its office in Cedar Rapids, Iowa.

Disclosure:

**Comment [SVE24]:** See Ch 69.13(e).

The members of the Commission and its staff shall not disclose the filing of a complaint, the information gathered during the investigation, or the endeavors to eliminate such discriminatory or unfair practice by conference, conciliation, and persuasion, unless such disclosure is made in connection with the conduct of such investigation. This section shall not prohibit disclosures to the Iowa Civil Rights Commission or similar government agencies conducting investigations involving illegal discriminatory practices.

1.3(5) Deferral, Referral, ~~or~~ Withdrawal of Complaint, or Administrative Closure:

**Comment [SVE25]:** The language in this section is clarified to better comport with Ch 69 and the CRCRC's Standard Operating Procedures.

a. Deferral - If any complaint is deferred to the ~~Cedar Rapids Civil Rights Commission~~CRCRC from ~~the the appropriate Federal Civil Rights enforcement agency~~Equal Employment Opportunity Commission or the Iowa Civil Rights Commission, such complaint shall be considered filed with the commission on the date it was filed with the EEOC or the Iowa Civil Rights Commission.

b. Referral of complaints against the City of Cedar Rapids - All complaints filed with the ~~Cedar Rapids Civil Rights Commission~~CRCRC against the City of Cedar Rapids or any board, commission, or department thereof shall be referred to the Iowa Civil Rights Commission and/or the Equal Employment Opportunity Commission and other civil rights enforcement agencies as may be deemed appropriate by the commission.

c. Withdrawal of the Complaint - A complaint or any part thereof may be withdrawn by the complainant at any time prior to the hearing thereon and, thereafter, at the discretion of the commissioner~~s~~. However, nothing herein shall preclude the commission from continuing the investigation and initiating a complaint on its own behalf against the original respondent, as provided for in the ordinance, whenever it deems it in the public interest.

d. Administrative Closure of Complaint - A complaint may be administratively closed by the Commission in accordance with its Standard Operating Procedures for a variety of reasons. Although not limited to these, some examples are the following:

**Comment [SVE26]:** Formerly 1.4(3), infra.

- a. Lack of response or cooperation from the complainant.
- b. The respondent has gone out of business or cannot be found.
- c. The case has been settled to the satisfaction of the commission.
- d. The case is determined to be out of the jurisdiction of this office.
- e. The statute of limitations has run.
- f. A settlement has been approved by the complainant, respondent and the commission.
- g. A voluntary or no fault agreement has been reached.
- h. The commission determines that the case warrants no further process. This may occur where a probable cause decision has been made but further action is not in the public interest.
- i. The complainant requests and receives a right-to-sue letter pursuant to Ch. 69.13.

A notice of closure explaining the reasons for this action shall be sent to the complainant and respondent.

Preservation of Records:

**Comment [SVE27]:** Formerly 1.4(5), infra.

a. Employment Records - When a complaint or notice of investigation has been served on an employer, labor organization or employment agency under the Ordinance, the respondent shall preserve all personal records relevant to the investigation until such complaint or investigation is finally adjudicated. The term "relevant to the investigation" shall include but not be limited to personnel, employment or membership records relating to the complainant and to all other employees, applicants or members holding or seeking positions similar to that held or sought by the complainant, and application forms or test papers completed by any unsuccessful applicant and by all other applicants or candidates for the same position or membership as that

for which the complainant applied and was not accepted, and any records which are relevant to the scope of the investigation as defined in the notice or complaint.

b. Other Records - Any other books, papers, documents, or records of any form which are relevant to the scope of any investigation as defined in the notice or complaint shall be preserved during the pendency of any proceedings by all parties to the proceedings unless the commission specifically orders otherwise.

c. Commission records dealing with official case files will be retained for a total of seven (7) years. An exception to this would be all records of cases that have gone to public hearing/ court. Files will be disposed of in such a way as to protect confidentiality.

**Comment [SVE28]:** City Attorneys: Do you concur with this timeframe? If not, please provide timeframe and supporting authority.

d. Stricter local coverage - Where the Cedar Rapids Civil Rights Ordinance is stricter than the state and/or federal law regarding areas of coverage and bases, the Cedar Rapids Civil Rights Ordinance takes precedence, and the commission may choose to appoint an independent investigator to conduct an investigation.

**Comment [SVE29]:** Moved to Scope of Rules and General Construction, supra.

#### 1.4 PROCESSING THE COMPLAINT:

**Comment [SVE30]:** Revisions made pursuant to CRCRC Standard Operating Procedures and Ch. 69.

##### THE INTAKE PROCESS

1.4(1) Receipt and Acknowledgment of Complaint: Upon receipt of a complaint the executive director, or a member of the commission staff designated by the executive director, shall serve by certified mail or by hand delivery a copy of the complaint upon the respondent within twenty (20) days. A letter shall be sent to the complainant acknowledging receipt of the complaint and recommending whatever additional legal or non legal action may be necessary to protect the complainant's rights under other applicable provisions of state and federal law.

**Comment [SVE31]:** This language was revised and incorporated in The Complaint section, supra, to comport with Ch 69 and the CRCRC's Standard Operating Procedures.

Upon receipt of a complaint, each Commission processes the complaint, shall then be processed according to the applicable Standard Operating Procedures. (See Standard Operating Procedure (Non-Housing)) through a preliminary review by the Intake Specialist and the Senior Investigator, which shall include a determination of jurisdiction and an evaluation for alternative resolution, and e

Each complainant is shall be offered the option of alternative dispute resolution, an informal or no fault resolution.

If appropriate, an official Charge of Discrimination is finalized by the Intake Specialist.

After the Charge of Discrimination is signed by the Complainant, it is sent to the Complainant, the Iowa Civil Rights Commission and to the Respondent, along with an initial request for a position statement and the production of additional information / documentation.

**Comment [SVE32]:** This section includes information contained in the CRCRC's Standard Operating Procedure, Intake & Investigation Process (non-housing).

1.4(2) Withdrawal and No Jurisdiction: Designated staff of the commission shall promptly close those cases which have been withdrawn by the complainant or in which the commission has no legal jurisdiction.

**Comment [SVE33]:** Withdrawal of a Complaint is covered in 1.3(5) *Deferral, Referral, Withdrawal of Complaint, or Administrative Closure*, supra; Jurisdictional determinations are also addressed in the context of the Intake Process section, supra.

1.4(3) Administrative Closure: A case may be closed by the investigating official for a variety of reasons. Although not limited to these, some examples are the following:

- a. Lack of response or cooperation from the complainant.
- b. The respondent has gone out of business or cannot be found.
- c. The case has been settled to the satisfaction of the investigating official.
- d. The case is determined to be out of the jurisdiction of this office.
- e. The statute of limitations has run out.

~~f. A settlement has been approved by the complainant, respondent and the commission.~~

~~g. A voluntary or no fault agreement has been reached.~~

~~h. The investigating official determines that the case warrants no further process. This may occur where a probable cause decision has been made but a periodic review of the case determines the complaint should be closed.~~

~~i. The complainant requests and receives a right to sue letter.~~

~~A notice of closure explaining the reasons for this action shall be sent to the complainant and respondent.~~

**Comment [SVE34]:** This section is included, infra.

~~1.4(4) Anonymity of Complaint: For purposes of public commission meetings the complaints shall be identified by only case number so that the anonymity of the complainants and respondents can be preserved. Nothing in this provision shall apply to executive sessions of the commission.~~

**Comment [SVE35]:** This information is not necessarily helpful and potentially confusing in the context of this document; Rules related to Disclosure are addressed, supra. Also, the CRCRC's Standard Operating Procedure, Intake & Investigation Process (housing) and (non-housing) include information about case filing to permit the use of case numbers.

~~1.4(5) Preservation of Records:~~

~~a. Employment Records—When a complaint or notice of investigation has been served on an employer, labor organization or employment agency under the Ordinance, the respondent shall preserve all personal records relevant to the investigation until such complaint or investigation is finally adjudicated. The term “relevant to the investigation” shall include but not be limited to personnel, employment or membership records relating to the complainant and to all other employees, applicants or members holding or seeking positions similar to that held or sought by the complainant, and application forms or test papers completed by any unsuccessful applicant and by all other applicants or candidates for the same position or membership as that for which the complainant applied and was not accepted, and any records which are relevant to the scope of the investigation as defined in the notice or complaint.~~

~~b. Other Records—Any other books, papers, documents, or records of any form which are relevant to the scope of any investigation as defined in the notice or complaint shall be preserved during the pendency of any proceedings by all parties to the proceedings unless the commission specifically orders otherwise.~~

~~c. Commission records dealing with official case files will be retained for a total of seven (7) years. An exception to this would be all records of cases that have gone to public hearing/ court. Files will be disposed of in such a way as to protect confidentiality.~~

**Comment [SVE36]:** This section is included earlier in the document. See 1.3 The Complaint.

~~1.5 INVESTIGATION AND CONCILIATION PROCESS~~

~~1.5(1) Investigating Commissioner: After a complaint Charge of Discrimination has been filed and the waiting period for receipt of the respondent's position statement has expired,~~

**Comment [SVE37]:** Revised to clarify the CRCRC's Investigation Process pursuant to Ch 69 and the CRCRC's Standard Operating Procedures, including Intake & Investigation Process (non-housing) rather than restate the CRCRC's Standard Operating Procedures in this document. In addition, former Rules of Practice sections that do not match Ch 69 and the CRCRC's Standard Operating Procedures are deleted.

~~7 Once a case is opened, if a conflict arises and no other investigator is available, the Executive Director may serve as Investigator by default.~~

~~the executive director or a designated staff member shall designate one of the commissioners who, with the assistance of the commission staff, shall make a prompt investigation of the allegations of the complaint. The commissioner assigned to a specific case shall be known as the investigating commissioner.~~

**Comment [SVE38]:** Under Ch 69, CRCRC Commissioners do not conduct investigations. Rather, CRCRC staff members conduct investigations.

~~The investigator shall review all of the evidence and complete the investigation. The investigator shall prepare a written report making a recommendation of probable cause or no probable cause or other appropriate action to the investigating commissioner designated for finding.~~

1.5(2) *Disqualification of Investigating Commissioner or Staff:* Commissioners appointed to act as ~~investigating~~ commissioners or staff members assigned to cases shall disqualify themselves should they have any conflict of interest or appearance of conflict of interest. Where such a situation exists, the commissioner or staff member shall notify the executive director promptly.

~~1.5(3) *Investigative Determinations:* After a complaint has been filed, the executive director or a designated staff member shall assign a member of the investigating staff to make a prompt investigation of the complaint. The investigator shall review all of the evidence and complete the investigation. The investigator shall prepare a written report making a recommendation of probable cause or no probable cause or other appropriate action to the investigating commissioner designated for finding.~~

**Comment [SVE39]:** This process is described earlier in 1.4 Processing the Complaint, in the Intake Process and Investigation Process subsections.

1.5(4) *Commissioner's Determination:* The ~~investigating~~ commissioner shall find that there is either probable cause or no probable cause to believe that discrimination exists regarding a complaint, or, under the appropriate circumstances, that the complaint has been satisfactorily adjusted or successfully conciliated, or the complaint should be administratively closed. The ~~investigating~~ commissioner will promptly notify commission staff of the finding.

~~1.5(5) *Rejection of Investigator's Recommendation:* When the staff person assigned to a case is not in agreement with the investigating commissioner's finding of "probable cause" or "no probable cause" the procedure shall be as follows:~~

~~a. The staff person involved, upon receipt of the investigating commissioner's decision, shall make immediate arrangements with said commissioner for an informal meeting to discuss the case involved to ascertain that there is no misunderstanding as to the facts. If no agreement is reached, the matter shall then proceed as follows:~~

~~b. The staff person shall notify the director, who shall designate three additional commissioners to review the case.~~

~~The three reviewing commissioners assigned shall carefully review the case in consultation with the director and commissioner who have been working on the case. The three commissioners should attempt to reach consensus on a finding of "probable cause" or "no probable cause." If this is not possible, a vote shall be taken and the majority opinion shall prevail.~~

**Comment [SVE40]:** The process described in this section does not match Ch 69.13(f).

1.5(6) *Notice of Decision:* Both the complainant and the respondent shall be notified of the decision in writing by certified mail ~~within fifteen (15) days of the investigating commissioner's decision.~~

**Comment [SVE41]:** Ch 69.13(f) does not specify a number of days for notice of decision.

1.5(7) *Conflicts Prohibited:* The ~~investigating~~ commissioner designated to issue a finding shall not be permitted to participate in any subsequent proceedings which may be eventually held as a result of such investigation, other than as a witness.

1.5(8) *Request for Reconsideration:* Pursuant to Ch. 69.13(f)(4), ~~t~~he complainant, after a finding of no probable cause, may file a written request for reconsideration to the chairperson. Any such request shall be made in writing within ten (10) days of the receipt of the no probable cause decision. The request shall be limited to a summary of new information that was not discovered at the time of the determination that no probable cause existed, or that the action upon which the information is based has happened since the time of the determination, or that the decision was rendered in opposition to case law, administrative rulings, etc.

**Comment [SVE42]:** The process for a request for reconsideration is provided in Ch. 69.13(f)(4) and 1.5(8) herein. See also generally, Ch 69.14(f) Review by Commission and (g) Judicial Review – Review of Order & 69.15 Remedies for paths for Commission and for ALJ as well as Ch 69.16 Judicial Review of Commission Action.

Upon application, the ~~chairperson or a designated member of the commission~~ Executive Director shall consider the request for reconsideration. If the request is denied, the complainant will be notified in writing of the denial of such request. If the request is granted, the matter will be

referred to the staff who will consider any new evidence and secure new information as may be necessary and appropriate and file a report with recommendations to the chairperson or a designated member of the commission.

If it is determined that no probable cause exists, an order shall be issued dismissing the complaint. If it is determined that probable cause exists, or that further investigation is necessary, the staff shall be directed accordingly.

#### CONCILIATION PROCESS

1.5(9) *Conciliation:* In accordance with the Ordinance, Ch. 69.13(f)(5)-(8), the CRCRC's Standard Operating Procedures, a All cases that result in findings of probable cause shall be assigned to a staff person for the purpose of initiating attempts to eliminate the discriminatory or unfair practice by conference, conciliation, and persuasion. When a conference is held pursuant to this section, a synopsis of the facts that led to the finding of probable cause, along with written recommendations for resolution, will be presented to the respondent.

1.5(10) *Participants in Conciliation:* Both the complainant and the respondent shall be notified in writing of the time, date, and location of any conciliation meeting. The complainant may be present during attempts at conciliation, if feasible.

1.5(11) *Limitation of Conciliation:* Upon the commencement of conciliation efforts the commission must allow at least thirty a period of thirty (30) days for the parties to reach an agreement. After the passage of thirty (30) days the executive director may order further conciliation attempts bypassed if the procedure is determined to be unworkable. The director must have the approval of the commissioner Commission Chairperson or their designee before bypassing conciliation.

1.5(12) *Conciliation Agreements:* A conciliation agreement shall become effective after it has been signed by the respondent or authorized representative, the complainant or authorized representative, and by a commissioner or the executive director on behalf of the commission. Copies of the agreement shall be served on all parties.

1.5(13) *Compliance Review:* The commission may require any party to submit to the commission such compliance reports as it deems necessary to show the manner of compliance with the terms of any conciliation agreement to which the parties and commission may have agreed. At any time in its discretion, but not later than one (1) year from the date of the conciliation agreement, the commission may investigate whether the terms of the agreement are being complied with by the respondent. Upon determining that the terms of the agreement are not being complied with, the commission may take appropriate action to ensure compliance.

#### 1.6 PREHEARING DISCOVERY

~~1.6(1) The executive director or designee shall see that demands are issued.~~

~~1.6(2) Before a demand is issued to determine whether the agency should institute a contested case proceeding, the commission staff shall make a request in written form of the person having possession of requested material. The written request shall be either hand delivered by a member of the commission staff or sent by certified mail return receipt requested. Where a person fails to provide requested information, a demand may be issued. A demand may be issued not less than one day after the written request had been delivered to the person having possession of the requested materials.~~

**Comment [SVE43]:** This section is keyed to Ch 69.13(f)(5)-(8) and the CRCRC's Standard Operating Procedures, Intake and Investigation Processes (housing) and (non-housing).

**Comment [SVE44]:** See Ch. 69.13(f)(8).

**Comment [SVE45]:** See Ch. 69.13(f)(7) and CRCRC's Standard Operating Procedure for Audits (forthcoming).

**Comment [SVE46]:** See Administrative Hearing, *infra*.

~~Demands may be issued without prior oral or written requests where notice of a pending public hearing has been issued.~~

~~1.6(3) Every demand shall state the name of the commission, the purpose for which the demand is issued, and the name and address of the party on whose behalf it is issued.~~

~~1.6(4) The demand shall be directed to a specific person or his/her attorney, or an officer or managing agent of any person who is not a natural person. The demand shall command that person to produce designated books, papers, or other real evidence under his or her control at a specified time and place. Where a public hearing has been scheduled, the demand may command the person to whom it is directed to attend and give testimony.~~

~~1.6(5) The demand shall be served either by certified mail or by any member of the commission staff by delivery of a copy thereof to the person named therein.~~

~~1.6(6) Where service is accomplished by personal service, proof of service will be acknowledgment of receipt by the person served or by the affidavit of the person serving the demand.~~

~~1.6(7) Upon prompt petition by the person to whom the demand is addressed, the executive director or designee may quash or modify a demand where it is demonstrated by the petitioner that reasonable cause exists to quash said demand.~~

~~1.6(8) Where a party fails to respond to a demand, the executive director or designee may authorize the filing of a petition for issuance of a subpoena from district court.~~

~~1.6(9) After a determination of probable cause, the commission, respondent, and any other parties to the proceedings may employ discovery procedures applicable to civil actions.~~

#### ~~1.7 INJUNCTIONS:~~

~~1.7(1) If the executive director or an appropriately designated staff person determines that a complainant may be irreparably injured before a public hearing can be compelled to determine the merits of the complaint, the executive director or designee may request the City Attorney to seek injunctive relief as may be appropriate to preserve the rights of the complainant and the public interest.~~

#### ~~1.8 MOTIONS:~~

~~1.8(1) Motions for procedural rulings or relief shall be in writing, shall set forth the ruling or relief sought, and shall state the grounds therefor and the statutory or other authority relied on, except that motions made during hearing may be stated orally upon the record.~~

~~1.8(2) The moving party shall file the motion with the executive director of the Cedar Rapids Civil Rights Commission, unless a hearing officer or a hearing panel has been appointed to hear the case, in which case all motions shall be filed with the hearing officer/panel/Administrative Law Judge.~~

~~1.8(3) The moving party shall file a copy of the motion with all other parties to the complaint.~~

~~1.8(4) All nonmoving parties shall have an opportunity to promptly resist the motion.~~

~~1.8(5) All replies to motions shall be in writing and filed with the compliance director or hearing officer, whichever is appropriate.~~

**Comment [SVE47]:** See Administrative Hearing, infra.

**Comment [SVE48]:** See Administrative Hearing, infra.

~~1.8(6) A copy of the reply shall be filed with all other parties to the complaint.~~

1.9 ~~ADMINISTRATIVE~~PUBLIC HEARINGS:

**Comment [SVE49]:** This section follows Ch 69.14.

~~1.9(1) *When Hearing Ordered*: If the Commission determines that probable cause exists that a the unlawful discriminatory practice complained has occurred and of is not eliminated if by conference, conciliation attempts have failed, or persuasion, and if in the judgment of the investigating official the circumstances so warrant, the Commission shall provide an opportunity for a hearing on the record with respect to the merits of a complaint issued pursuant to the Ordinance, shall be approved, and the commission, executive director, or designee will cause to be issued and served on the parties a written notice of their intent to schedule a hearing on the complaint.~~

Injunctions - Pursuant to Ch 69.05(d), if the Executive Director or an appropriately designated staff person determines that a complainant may be irreparably injured before a public hearing can be initiated to determine the merits of the complaint, the Executive Director or designee may request the City Attorney to seek injunctive relief as may be appropriate to preserve the rights of the complainant and the public interest.

~~1.9(2) *Content of Notice of Hearing*: The Executive Director or the Executive Director's designee shall send a copy of the determination and notice of hearing pursuant to the Ordinance. (See Ch. 69.14 (a) 1.-2. At least twenty (20) days prior to the scheduled date of public hearing, the commission staff shall cause to be served upon the respondent a notice that a public hearing will be held relative to the complaint which shall be in the form provided in section 69.14(b)1-4 of the ordinance.~~

~~1.9(3) *Hearings—Other Reasons*: Hearings shall be conducted in accordance with the Ordinance and conducted as expeditiously and inexpensively as possible. Further, hearings shall be conducted in a manner that is reasonably consistent with the needs and rights of the parties to obtain both a fair hearing and a complete record. (See Ch. 69.14(c)) At any other time the commission, executive director or designee may, in its discretion, convene a hearing (1) whenever a problem of discrimination arises; (2) in order to expedite the disposition of preliminary matters in any action before it; or (3) otherwise, when in the judgment of the commission, executive director or designee, the circumstances so warrant.~~

~~1.9(4) *Who Shall Conduct*: Hearings shall be conducted consistent with these rules and pursuant to Ch. 69.14 by an the Administrative Law Judge. full commission, or the commission may direct the chairperson of the commission to designate three members of the commission or a disinterested third party to act as a hearing officer to conduct the hearing. The hearing shall be transcribed by a Certified Court Reporter at the direction of the Administrative Law Judge.~~

Each party may appear in person, be represented by counsel, present evidence, cross-examine witnesses and obtain the issuance of subpoenas under Ch. 69.05(n). The Iowa Rules of Evidence apply to the presentation of evidence at hearings as they would in a civil action in Iowa District Court in and for Linn County. (See Ch. 69.14(b).)

The Administrative Law Judge shall have full authority to make all decisions regarding the admission and exclusion of evidence, to control the procedures, and to rule upon all objections and motions. Except in extraordinary circumstances, evidence or testimony offered by any party shall be entered in the record subject to the objection of any party, in order that a complete record will be available in the event of appeal.

~~Where the chairperson has designated a panel of commissioners to serve as hearing officers at a public hearing, the chairperson shall designate one member of said panel to act as presiding commissioner. All rulings and determinations shall be made on majority rule.~~

~~The absence or disqualification of one or more members of a hearing panel appointed to hear a particular case shall not prevent the remaining panel members from hearing the case as independent hearing commissioners, unless other good cause can be shown that would prevent the individual commissioner(s) from acting as an independent hearing commissioner(s).~~

**Comment [SVE50]:** The CRCRC does not utilize a panel of commissioners to preside over hearings.

1.9(5) *Disqualification:* Commissioners shall disqualify themselves from ~~serv~~ing as hearing officers ~~should they have a case should~~ any conflict of interest or appearance of conflict of interest with any individual who has an interest in the case at issue. The commissioner who served as investigating commissioner shall neither participate in the hearing, except as a witness, nor participate in the deliberations of the commission in such case.

~~1.9(6) *Power of the Hearing Officer/Panel:* The hearing officer/panel shall have full authority to make all decisions regarding the admission and exclusion of evidence, to control the procedures, and to rule upon all objections and motions. Except in extraordinary circumstances, evidence or testimony offered by any party shall be entered in the record subject to the objection of any party, in order that a complete record will be available in the event of appeal.~~

**Comment [SVE51]:** See 1.9 ADMINISTRATIVE HEARINGS: for the CRCRC's Administrative Hearings pursuant to Ch 69.14.

~~1.9(7) *Pre-Hearing Conferences:* The hearing officer or hearing panel may hold pre-hearing conferences for the purpose of facilitating the hearing process, ruling on motions and making such other determinations as may be necessary for the efficient functioning of the hearing process.~~

~~1.9(8) *Briefs:* The hearing officer/panel may require that written briefs be submitted on behalf of the complainant and on behalf of the respondent.~~

~~1.9(9) *Sworn Testimony:* All testimony given at a commission hearing shall be under oath administered by the court reporter present at the hearing.~~

~~1.9(10) *Order of Presentation:* The case in support of the complaint shall be presented to the hearing officer or panel. Complainant's evidence shall be presented first. When there is more than one complaining party, the order of presentation shall be in the discretion of the hearing officer. After all the evidence and testimony of the complaining parties has been received, all other parties shall be allowed to present their evidence or testimony. All parties shall be allowed to cross-examine any witnesses immediately after her/his testimony has been received.~~

~~1.9(11) *Stipulations:* The parties may, by stipulation in writing filed with the commission at any stage of the proceeding or orally made at the hearing, agree upon any pertinent facts in the proceeding.~~

**Comment [SVE52]:** See 1.9 ADMINISTRATIVE HEARINGS: for the CRCRC's Administrative Hearings pursuant to Ch 69.14.

1.9(12) *Evidence of Endeavors to Conciliate:* No testimony or evidence shall be offered or received at any hearing concerning offers or counteroffers of adjustment during efforts to conciliate alleged unlawful discriminatory practice, except that evidence presented by respondent of such offers or counteroffers shall constitute a waiver of the provisions of this subsection.

~~1.9(13) *Waiver of Objections:* Any objection not duly made before the hearing officer/panel shall be deemed waived.~~

~~1.9(14) *Objections:* When objections to the admission or exclusion of evidence are made, the grounds relied upon shall be stated briefly.~~

~~1.9(15) — Continuation, Adjournments and Substitutions: The presiding commissioner or hearing officer may postpone, consistent with commission directives regarding the setting of the matter, a scheduled hearing or continue a hearing from day to day, or adjourn it to a later date or to a different place by adjournment thereof at the hearing or by appropriate notice to all parties.~~

~~1.9(16) — Transcript and Record: All testimony given at a hearing held pursuant to Chapter 69 shall be transcribed by a certified court reporter retained by the commission. The written transcript of the record upon the hearing before the hearing officer/panel shall consist of the notice of the hearing, the verified complaint, as the same may have been amended, and the certified transcript of the testimony taken at the hearing, the exhibits and depositions in evidence, written applications and stipulations.~~

**Comment [SVE53]:** See 1.9 ADMINISTRATIVE HEARINGS: for the CRCRC's Administrative Hearings pursuant to Ch 69.14.

1.9(17) *Authorized Ex Parte Communications:*

a. Unless required for the disposition of ex parte matters specifically authorized by statute or ordinance, individuals assigned to render a proposed or final decision or to make findings of fact and conclusions of law in a public hearing shall not communicate, directly or indirectly, in connection with any issue of fact or law in the public hearing with any person or party, except upon notice and opportunity for all parties to participate.

However, without such notice and opportunity for all parties to participate, individuals assigned to render a proposed or final decision or to make findings of fact and conclusions of law in a contested case may communicate with members of the ~~agency~~ CRCRC and may have the aid and advice of persons other than those with a personal interest in, ~~or those engaged in prosecuting or advocating in,~~ either the case under consideration or a pending factually related case involving the same parties.

**Comment [SVE54]:** Added for Clarification.

b. Unless required for the disposition of ex parte matters specifically authorized by statute or ordinance, parties or their representatives in a public hearing shall not communicate, directly or indirectly, in connection with any issue of fact or law in that public hearing, with individuals assigned to render a proposed or final decision or to make findings of fact and conclusions of law in that public hearing, except upon notice and opportunity for all parties to participate.

c. No individual who participates in the making of any proposed or final decision in a public hearing shall have prosecuted or advocated in connection with that case, the specific controversy underlying that case, or another pending factually related public hearing, or pending factually related controversy that may culminate in a public hearing involving the same parties. Nor shall any such individual be subject to the authority, direction or discretion of ~~any person who has prosecuted or advocated in connection with that public hearing,~~ any person the specific controversy underlying that public hearing, or a pending factually related public hearing or controversy involving the same parties.

**Comment [SVE55]:** Not applicable under these Rules of Practice.

d. A party to a public hearing proceeding may file a timely and sufficient affidavit asserting disqualification according to the provisions of subsection c, or asserting personal bias of an individual participating in the making of any proposed or final decision in that case. The commission shall determine the matter as part of the record in the case. When the commission in these circumstances makes such a determination with respect to a commission member, that determination shall be subject to de novo judicial review in any subsequent review proceeding of the case.

e. Any notice and opportunity for all parties to participate in a communication otherwise prohibited shall be made by sending certified mail return receipt requested to said parties at their last known address a short and plain statement of the communication that is desired to be made, to whom it is desired to be made, and a time, date and place for participation in said communication. All parties shall have not fewer than ten (10) days notice of such opportunity to participate.

f. In the event a prohibited communication is made, the recipient of it shall submit the communication, if written, or a summary of the communication, if oral, for inclusion in the record of any subsequent proceeding. The commission may, subject to approval of the City Council, suspend or revoke a privilege to participate before it should a violator of this provision be an attorney or other representative of a party before it. Should the violator be a commission member or a member of the staff or other personnel of the City Civil Rights Commission, then the commission may, subject to City Council approval, suspend or dismiss such persons. However, the ability to discipline employees of the commission or other personnel in the civil rights commission must conform to any applicable statute such as Chapter 400 of the Iowa Code, should such statutes control. Before any action can be taken to discipline a violator of this paragraph, said violator shall receive notice and opportunity for participation as previously provided, unless other notice and opportunity to participate is provided in other statutes of the State of Iowa, such as Chapter 400 of the Code of Iowa.

1.10 FINDINGS, CONCLUSIONS AND ORDERS:

Comment [SVE56]: Covers Ch 69.14(e).

~~1.10(1) Recommended Decision: After a review of the transcript, the evidence, and the briefs, the hearing officer/panel Administrative Law Judge shall make issue in writing his/her/their findings of fact, and conclusions law, and order, then recommend the same to the commission for its adoption, modification, or rejection, within 60 days after the end of the hearing unless it is impracticable to do so.~~

~~Findings of Discriminatory Practice or Dismissal of Charge: If the Administrative Law Judge finds that that the respondent engaged in a discriminatory practice, the Administrative Law Judge shall promptly issue an order for relief in accordance with Ch. 69.14 (e).~~

~~If the Administrative Law Judge finds that the respondent did not engage in a discriminatory practice, then the Administrative Law Judge shall enter an order dismissing the charge in accordance with Ch. 69.14(e).~~

~~Review of Final Order by Commission: The Commission may review any finding, conclusion or order issued pursuant to Ch. 69.14(f). Such review shall be completed not later than 30 days after the findings, conclusions or order is issued. If the Commission determines that the respondent has engaged in a discriminatory or unfair practice, the Commission may grant relief in accordance with Ch. 69.15.~~

~~In the event that the Commission does not initiate a review of a finding, conclusion or order pursuant to Ch. 69.14(f), the finding, conclusion or order becomes final at the expiration of 30 days after issue.~~

~~At any time in its discretion, the Commission may investigate whether the terms of the agreement are being complied with by the respondent. (See Ch. 69.15(c).)~~

~~1.10(2) Notification: Upon receipt of the hearing officer's/panel's recommended decision, the commission shall forward a copy of the hearing officer's/panel's recommended decision to each of the parties. The commission shall include with the hearing officer's/panel's recommended decision a notice of the date, time, and place of the meeting at which the commission shall review the recommended~~

decision. The notice shall also advise the parties that, if they desire to take exceptions to or appeal the recommended decision, they must file the exceptions or appeal with the commission and that they may file an appeal brief or brief in support of the exceptions as well. The appeal or exceptions and appeal brief or brief in support of exceptions must be filed with the commission no later than fifteen (15) calendar days prior to the commission meeting at which the decision will be reviewed. The parties shall be afforded no fewer than fifteen (15) calendar days between the date the hearing officer's/panel's recommended decision is mailed to the parties and the date the appeal or exceptions and appeal brief or brief in support of exceptions must be filed with the commission.

For the purpose of this sub rule, "file(d) with the commission" shall mean receipt of the appeal or exceptions and appeal brief or brief in support of exceptions (if any) by the commission at its office.

1.10(3) *Commission Review:* The commission shall, within sixty (60) days of the date it receives the recommended decision of the hearing officer/panel, review the decision at a commission meeting. The commission shall consider all timely filed appeals, exceptions and briefs at the time it reviews the recommended decision.

The commission may adopt, modify or reject the hearing officer's/panel's recommended decision, or it may remand the case to the hearing officer/panel for the taking of such additional evidence and the making of such further recommended findings of fact, conclusions of law, decision and order as the commission deems necessary. Upon completing its review of the hearing officer's/panel's recommended decision, the commission shall cause to have issued the appropriate order.

1.10(4) *Final Order:* If the commission fails to issue an order within sixty (60) days from the date the hearing officer/panel issues its recommendations, the recommended findings and order shall become final.

1.10(5) *Content of Orders:* Orders of the commission shall seek to remedy an injury in accordance with the intent of Civil Rights Ordinance 66-80 as amended.

1.11 *ACCESS TO FILE INFORMATION:* The disclosure of information whether a charge has been filed or revealing the contents of any file is prohibited except in the following circumstances:

1.11(1) If a final decision per sub rule 1.1(6) has been reached, a party or a party's attorney may, upon showing that a petition appealing the commission's action has been filed, have access to the commission's case file on that complaint.

1.11(2) If a case has been approved for public hearing, and the letter informing parties of this fact has been mailed, any party or party's attorney may have access to file information through pre-hearing discovery measures provided in sub rule 1.6(9).

1.11(3) If a decision rendered by the commission in a public hearing has been appealed, any party or party's attorney may, upon showing that the decision has been appealed, have access to the commission's case file on that complaint.

The fact that copies of documents related to or gathered during an investigation of a complaint are introduced as evidence during the course of a public hearing proceeding does not affect the confidential status of all other documents within the file which are not introduced as evidence.

1.12 *PROCEDURE TO REOPEN:*

1.12(1) — Motion to Reopen: The commission on its own motion may, whenever justice requires, reopen any matter previously closed by it, upon notice of such reopening being given to all parties. A complainant or respondent may for good cause shown apply for the reopening of a previously closed proceeding.

1.12(2) — Time Limit for Reopening: Motions for reopening of any matter must be in writing alleging the grounds therefor and must be made within twenty (20) days after the issuance of a final decision.

1.12(3) — Participation of Parties: The parties shall be afforded at least fourteen (14) days to submit their position on the motion for reopening in writing. Requests to appear in person may be granted or denied at the discretion of the commission.

1.12(4) — Commission Action on Reopening: The commission or a commissioner may grant or deny the application for reconsideration. If the application is granted, the matter shall be referred back to investigating staff, if further investigation is required. If no further investigation is required the commission shall decide the matter on the accumulated record of the case. Each of the parties to the case shall be informed of the action taken on the application to reopen in writing sent by certified mail to the last known mailing address.

1.12(5) — If a timely motion to reopen has been filed, then the time to appeal any commission action that would have otherwise been final shall be tolled until a final decision has been made on the motion to reopen.

#### JUDICIAL REVIEW OF COMMISSION ACTION

A person or party who has exhausted all adequate administrative remedies before the Commission and who is aggrieved or adversely affected by any final Commission action is entitled to a judicial review under Ch. 69.16. The judicial review provisions of Ch. 69 are the exclusive means by which a person or party aggrieved or adversely affected by Commission actions may see judicial review of such action. However, any person or party who is aggrieved or adversely affected by any Commission action has the right to seek relief from such action in the courts at a time and manner authorized by the laws of the State of Iowa.

Proceedings for judicial review of Commission actions shall be instituted by filing a petition in the Iowa District Court in and for Linn County within 30 days after the Commission action complained of.

The Court may affirm, modify, or set aside the Commission action, in whole or in part, or remand to the Commission for further proceedings; and enforce such order to the extent that such order is affirmed or modified. (See Ch. 69.16 (g).)

#### JUDICIAL ENFORCEMENT

The City Attorney may obtain an order for the enforcement of Commission Orders in a proceeding as provided in Ch. 69.17. An enforcement proceeding initiated by the Commission shall be brought in the Iowa District Court in and for Linn County.

If no proceeding to obtain judicial review is instituted pursuant to Ch. 69.16 within 30 days from the service of any Order of the Commission under Ch. 69.14, then the Commission may obtain an order of the Court for enforcement of such Order upon a showing that the respondent is subject to the jurisdiction of the Commission pursuant to Ch. 69.17(h).

**Comment [SVE57]:** These sections do not match the CRCRC's Procedures under Ch 69. See generally, Ch 69.14 – 69.18.

**Comment [SVE58]:** See Ch 69.16.

**Comment [SVE59]:** See Ch 69.17.

**Comment [SVE60]:** City Attorneys: When a conciliation agreement is not being followed, the CRCRC understands that the City Attorney's Office will pursue enforcement of settlement agreements (collection of money) rather than the CRCRC. Is this correct?

SIXTY-DAY ADMINISTRATIVE RELEASE

Comment [SVE61]: See Ch 69.18.

A person claiming to be aggrieved by an unfair or discriminatory practice must initially seek administrative relief by filing a complaint with the Commission in accordance with Ch. 69.13. A complainant, after the proper filing of a complaint with the Commission, may subsequently commence an action for relief in the District Court if the complainant filed the complaint with the Commission as provided in Ch. 69.13, the complaint was on file with the Commission for at least 60 days and the Commission issued a release to the complainant pursuant to Ch. 69.18(b).

If an investigation is warranted in accordance with Ch. 69, then the complaint will not be administratively closed.

Chapter 2

DISCRIMINATION IN HOUSING

**2.1 Construction of section**

The rules included in this section are intended to implement section 69.19 of Chapter 69 of the Municipal Code of the City of Cedar Rapids. All the rules contained in this section apply only to Section 69.19 of Chapter 69 of the Municipal Code, City of Cedar Rapids, Iowa.

Comment [SVE62]: This section incorporates Ch 69.19.

2.2(2) *Conflicting rules.* Where a provision of this section applies under the terms of sub-rule 2.1(1) and that provision conflicts with a rule of the commission not contained within Section 2, then the provision contained within Section 2 shall prevail.

**2.2 Interpretation of various housing provisions.**

"*Aggrieved person*" As used in the Cedar Rapids civil rights ordinance provisions relating to discrimination in housing, the term "aggrieved person" includes any person who claims to have been injured by a discriminatory housing practice, or any person who believes that that person will be injured by a discriminatory housing practice that is about to occur.

"*Discriminatory housing or real estate practice.*" A person who violates the prohibitions contained in Chapter 69 of the Municipal Code of the City of Cedar Rapids commits an "unfair or discriminatory practice" in the area of housing or real estate. A person who commits a violation of Section 69.19 of the Cedar Rapids Municipal Code commits an "unfair or discriminatory practice" in the area of housing or real estate.

"*Dwelling*" As used in Chapter 69 of the Municipal Code of the City of Cedar Rapids, the term "dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, or any vacant land which is offered for sale or lease for the construction or location thereon of any such buildings, structure or portion thereof.

"*Exceptions*" The exceptions found in Section 69.19 of the Municipal Code of the City of Cedar Rapids do not apply to section 69.19(b)3 relating to advertising.

"*Handicap Disability*" As used in Section 69.19 of the Municipal Code of the City of Cedar Rapids, the term "handicap" with respect to a person means:

Comment [SVE63]: Ch 69 does not use the term "disability".

- 1. A physical or mental impairment which substantially limits one or more of such person's major life activities,
- 2. A record of having such an impairment, or

~~3. Being regarded as having such an impairment.~~

"Housing accommodation" As used in Chapter 69 of the Municipal Code of the City of Cedar Rapids, the term "housing accommodation" has the same meaning as is given the term "dwelling" in this rule.

"Significant facilities and services: As referred to in Ordinance 69.19(c)1(B)3 shall incorporate the Department of Housing and Urban Development's regulations 24 CFR Part 100 entitled "Housing for Older Persons; Defining Facilities and Services, Amendments; Final Rule" dated August 18, 1995.

"Housing for older persons" The exception found in Cedar Rapids Municipal Code Section 69.19(c)4(B) is limited to discrimination based upon "familial status."

Cedar Rapids Municipal Code Section 69.19(mk) ~~Election to proceed in court~~ Civil Action Elected. The election to have the charges of a complaint decided in a civil action as provided in Section 69.19(mk) is only available where it is alleged that there has been a violation of some portion of Section 69.19 of the Municipal Code of the City of Cedar Rapids.

**Comment [SVE64]:** Changed to reference the proper Chapter sub-section.

"Person" As used in Chapter 69 of the Municipal Code of the City of Cedar Rapids provisions relating to discrimination in housing, the term "person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries. The specific inclusion of an individual or entity within this definition of "person" does not imply that that individual or entity is excluded from the definition of "person" in Section 69.03(mk).

**Comment [SVE65]:** Changed to reference the proper section of Chapter 69.

"Resides" The term "resides" as used in section 69.19(c)1(C) & (D) of Chapter 69 of the Municipal Code of the City of Cedar Rapids shall mean "actually maintains and occupies."

"Occupant" The term "occupant" as used in section 69.19(c)1(D) shall mean the owner of the dwelling.

"Probable cause" determination The term "probable cause" as used in Section 69.19 of Chapter 69 of the Municipal Code of the City of Cedar Rapids shall be equal to the legal standard of a "reasonable cause" determination, which is a lower standard and is less difficult to achieve than a "probable cause" standard.

"Notification of witnesses for a public hearing" Notification of witnesses for a public hearing as used in section 69.19(o)3 shall mean the use of standard discovery rules.

"Election of civil action by complainant" If a complainant elects to have the charges asserted in the complaint decided in a civil action as provided by section 69.19(h), the commission shall commence and maintain an action on behalf of the complainant in district court. The commission shall be represented by the City Attorney.

"Handicap-Based Design and Construction Standards" 1: In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, the dwellings shall have at least one building entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site.

**Comment [SVE66]:** Included endnote: "These Rules of Practice utilize the term 'disability' used in Ch 69.03 and 69.19 as opposed to 'handicap'."

**2.3 Interpretation of provisions affecting court actions regarding alleged discriminatory housing or real estate practices occurring after July 1, 1991.**

2.3(1) *Time limitation of rule.* This rule applies only to alleged discriminatory housing or real estate practices occurring after July 1, 1991.

2.3(2) *Aggrieved person's direct action in district court.*

a. *Filing of complaint not necessary.* A complaint which alleges violations of Section 69.19 of Chapter 69 of the Municipal Code of the City of Cedar Rapids need not be filed with the commission in order for an aggrieved person to seek judicial remedies for that alleged violation. An aggrieved person may file an action alleging such violations in district court pursuant to section 69.19(k)2.

b. *Effect of commission processing.*

(1) In general. The status of commission processing of a complaint alleging a discriminatory housing or real estate practice does not affect the rights of an aggrieved party to file a civil action under section 69.19(k)2 based on that same or any other alleged discriminatory housing or real estate practice.

(2) Exceptions. Commission processing will bar an aggrieved person from filing a civil action under Section 69.19(k)2 based on an alleged discriminatory housing or real estate practice only where either:

1. The commission has obtained a conciliation agreement with the consent of that aggrieved person regarding that alleged discriminatory housing or real estate practice, or

2. The commission has begun a contested case hearing on the record regarding that same alleged discriminatory housing or real estate practice.

c. *Notification of commission.* If a person has filed a complaint alleging a discriminatory housing or real estate practice with the commission and that person subsequently commences a civil action under section 69.19(k)2 based on that same alleged discriminatory housing or real estate practice, the aggrieved person is encouraged to immediately notify the Cedar Rapids Civil Rights Commission of the filing of the civil action.

d. *Remedies.* In an action filed directly in district court pursuant to section 69.19(k)2 of Chapter 69 of the Municipal Code of the City of Cedar Rapids, the court may, upon a finding of discrimination, order any of the remedies provided for in section 69.19(l)6.

2.3(3) *Election to proceed in district court.*

a. *In general.* An aggrieved person on whose behalf a complaint was filed, a complainant, or a respondent may, pursuant to section 69.19(k) of Chapter 69 of the Municipal Code of the City of Cedar Rapids, elect to have the allegations asserted in the complaint decided in a civil action in district court. An election is made by filing a written notice of election with the commission. The date of filing of an election is the date the election is received by the commission at its office in Cedar Rapids. If such an election is made, the commission shall authorize and, within 30 days of the election, shall file a civil action in district court on behalf of the aggrieved person. The commission shall be represented by the City Attorney. Failure to file within the 30-day period shall not, by itself, prejudice the rights of any of the parties.

b. *Limitation.* An election made under the previous paragraph must be made within 20 days of the receipt by the electing person of the determination of probable cause. The date of election is the date that the written notice of elections is filed with the commission.

c. *Probable cause determination a prerequisite.* No person may make an election pursuant to section 69.19(k) of Chapter 69 of the Municipal Code of the City of Cedar Rapids until the commission has found probable cause regarding the complaint that is the subject of the election.

d. *Notice required.* An election to proceed in district court made under section 69.19(k) of Chapter 69 of the Municipal Code of the City of Cedar Rapids is effective only if the electing person gives notice of the election to the commission and all other complainants and respondents to whom the election relates. Such notice shall be in writing, shall be delivered at the time the election is made, and may be made by regular mail.

e. *Intervention.* Once the commission commences an action in district court pursuant to section 69.19(k) of Chapter 69 of the Municipal Code of the City of Cedar Rapids, an aggrieved person may intervene in the action.

**2.3(4) Right to sue letter inapplicable.** A complainant need not, and should not, request a right to sue letter in order to file a civil action under section 69.19(k) of Chapter 69 of the Municipal Code of the City of Cedar Rapids.

**2.3(5) Appointment of attorney by court.** Upon application by a person alleging a discriminatory housing practice or a person against whom such a practice is alleged, the court may:

a. Appoint an attorney for the person, or

b. Authorize the commencement or continuation of a civil action under section 69.19(k)2 without the payment of fees, costs, or security if, in the opinion of the court, the person is financially unable to bear the costs of such action.

**2.4 Commission procedures regarding complaints based on alleged unfair or discriminatory practices occurring after July 1, 1991.**

**2.4(1) Time limitation of rule.** This rule applies only to alleged discriminatory housing or real estate practices after July 1, 1991.

**2.4(2) Time limit for administrative complaint.** A complaint that alleges a discriminatory housing or real estate practice is governed by the 180-day time limit provided in section 69.19(f)1(A) of Chapter 69 of the Municipal Code of the City of Cedar Rapids.

**2.4(3) Processing of complaint.**

a. *Service.* Upon the filing of a complaint:

(1) The commission shall, not later than ten days after such filing or the identification of an additional respondent under 2.4(3)"d", serve on the respondent a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of respondents under the application sections of section 69.19 of the Municipal Code of the City of Cedar Rapids, together with a copy of the original complaint; and

(2) Each respondent may file, not later than ten days after receipt of notice from the commission, an answer to the complaint.

(3) The commission shall, not later than ten days after the filing of a complaint, serve the complainant a notice acknowledging receipt of the complaint and advising the complainant of the time limits and choice of forums provided under section 69.19 of Chapter 69 of the Municipal Code of the City of Cedar Rapids.

b. *Timely investigation.* The commission will begin the investigation within 30 days of filing. If the commission is unable to complete the investigation within 100 days after the filing of the complaint, the commission shall notify the complainant and respondent in writing of the reasons for not doing so.

c. *Amendments.* Complaints and answers shall be under oath or affirmation and may be reasonably amended at any time.

d. *Additional respondents.* A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under 2.4(3) shall explain the basis for the commission's belief that the person to whom the notice is addressed is properly joined as respondent.

e. *Closure within one year.* Within one year of the date of receipt of a complaint alleging a discriminatory housing or real estate practice, the commission shall take final administrative action with respect to that complaint unless it is impracticable to do so. If the commission is unable to make final disposition of the case within the one-year period, the commission shall notify the complainant and respondent in writing of the reasons for not doing so.

**2.4(4) Probable cause determination.**

a. *Final investigative report.* After the completion of the commission's investigation, the investigator shall prepare a final investigative report. This final investigative report shall include:

- (1) The names and dates of contacts with witnesses except that the report will not disclose the names of any witnesses who request anonymity. The commission, however, may be required to disclose the names of such witnesses in the course of an administrative hearing or a civil action conducted pursuant to Chapter 69 of the Municipal Code of the City of Cedar Rapids;
- (2) A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
- (3) A summary description of other pertinent records;
- (4) A summary of witness statements; and
- (5) Answers to interrogatories.

b. *Determination procedure.* If, after the completion of investigation, a conciliation agreement under section 69.19(f)2 "A" to "E" has not been executed by the complainant and the respondent and approved by the commission, the commission shall conduct a review of the factual circumstances revealed as part of the investigation.

- (1) If the commission determines that, based on the totality of the factual circumstances known at the time of the commission's review, no probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall: issue a short and plain written statement of the facts upon which the no probable cause determination was based; dismiss the complaint; notify the aggrieved person(s) and the respondent(s) of the dismissal (including the written statement of facts) by certified mail or personal service; and make public disclosure of the dismissal.

Respondent(s) may request that no public disclosure be made. Notwithstanding such request, the fact of dismissal, including the names of the parties, shall be public information available on request.

The commission's determination shall be based solely on the facts concerning the alleged discriminatory housing practice provided by complainant and respondent(s) and otherwise disclosed during the investigation.

(2) If the commission believes that probable cause may exist to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall forward the matter to the executive director or designee for consideration. In all such cases the executive director or designee shall determine, with advice from the office of the city attorney, whether, based on the totality of the factual circumstances known at the time of the decision, probable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The determination shall be based solely on the facts concerning the alleged discriminatory housing practice provided by complainant and respondent and otherwise disclosed during the investigation.

*c. Determination of probable cause.* A determination of probable cause shall be followed by the issuance of a probable cause order. A probable cause order:

(1) Shall consist of a short and plain written statement of the facts upon which the commission has found probable cause to believe that a discriminatory housing practice has occurred or is about to occur;

(2) Shall be based on the final investigative report; and

(3) Need not be limited to facts or grounds that are alleged in the complaint. If the probable cause order is based on grounds that are alleged in the complaint, the commission will not issue the probable cause order with regard to those grounds unless the record of the investigation demonstrates that the respondent has been given an opportunity to respond to the allegation.

*d. Timely determination.* The commission shall make the probable cause determination within 100 days after the filing of the complaint unless it is impracticable to do so. If the commission is unable to make the determination within this 100-day period, the commission will notify the aggrieved person and the respondent by certified mail or personal service of the reasons for the delay.

*e. Effect of probable cause determination.* A finding of probable cause regarding a complaint alleging a discriminatory housing or real estate practice commences the running of the period during which an aggrieved person on whose behalf a complaint was filed, a complainant, or a respondent may, pursuant to section 69.19(k), elect to have the charges asserted in the complaint decided in a civil action in district court. If an election is made, the commission shall file a civil action on behalf of the aggrieved person in district court. The commission shall be represented by the City Attorney. If no election is made, then the commission must schedule a hearing on the charges in the complaint.

*f. Effect of no probable cause determination.* A finding of "no probable cause" regarding a complaint alleging a discriminatory housing or real estate practice results in prompt dismissal of the complaint. If the finding is not reconsidered, the commission may take no further action to process that complaint except as may be necessary to carry out the commission's administrative functions.

*g. Standard.* The standard to determine whether a complaint alleging a discriminatory housing or real estate practice is supported by probable cause shall include consideration of whether the facts are sufficient to warrant initiation of litigation against the respondent.

#### **2.4(5) Hearing time frames.**

*a. Trial date.* The administrative law judge shall commence the hearing regarding a complaint alleging a discriminatory housing or real estate practice no later than 120 days following the issuance of the finding of probable cause, unless it is impracticable to do so. If the

administrative law judge is unable to commence the hearing within 120 days after the issuance of the probable cause order, the administrative law judge shall notify the executive director, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing, of the reasons for not doing so.

*b.* Decision date. The administrative law judge shall make findings of fact and conclusions of law within 60 days after the end of the hearing regarding a complaint alleging a discriminatory housing or real estate practice unless it is impracticable to do so. If the administrative law judge is unable to make findings of fact and conclusions of law within this period, or any succeeding 60-day period thereafter, the administrative law judge shall notify the executive director, the aggrieved person on whose behalf the charge was filed, and the respondent, in writing, of the reasons for not doing so.

**2.4(6) Access to file information in housing cases.**

*a.* Nothing that is said or done in the course of conciliation of a complaint of housing or real estate discrimination may be made public or used as evidence in a subsequent administrative hearing under sub-rule 2.4(5) or in civil actions under Chapter 69 of the Municipal Code of the City of Cedar Rapids, without the written consent of the persons concerned.

*b.* Notwithstanding the prohibitions and requirements with respect to disclosure of information contained in paragraph 2.4(6)a the commission will make information derived from an investigation, including the final investigative report, available to the aggrieved person and the respondent. Following completion of the investigation, the commission shall notify the aggrieved person and the respondent that the final investigative report is complete and will be provided upon request.

*c.* Where the commission has made a finding of no probable cause regarding a complaint alleging a discriminatory housing or real estate practice, the aggrieved person and the respondent may obtain information derived from the investigation and the final investigative report. Provided, however, that the phrase "information derived from the investigation" as used in this rule shall not include the contents of statements by witnesses other than the complainant or respondent.

*d.* Prior to a finding of either probable cause or no probable cause regarding a complaint alleging a discriminatory housing or real estate practice, no access may be had to the information contained within the commission investigatory file except that:

- (1) Any witness may request a copy of the witness's own statement made to the commission as part of the commission's investigation of the complaint.
- (2) Any person may request copies of any information that that person sent to the commission in the course of processing the complaint.
- (3) Any person may request copies of any information that the commission had previously sent to that person in the course of processing the complaints.

These rules are intended to implement section 69.19 of Chapter 69 of the Municipal Code of the City of Cedar Rapids.

**Comment [SVE67]:** Moved to top of Discrimination in Housing Section.

RULES OF PRACTICE ADOPTED FEBRUARY 17, 1981  
AMENDED JULY 25, 1995  
AMENDED JULY 28, 1998  
AMENDED JUNE 26, 2003  
AMENDED AUGUST 25, 2004  
~~AMENDED JUNE 18, 2014~~  
AMENDED JULY 16, 2014

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Civil Rights Commission

<sup>1</sup> Note: These Rules of Practice utilize the term ‘disability’ used in Ch 69.03 and 69.19 as opposed to ‘handicap’.

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[Appendix:](#)

[Commission Development and Personnel Committee Charter](#)

[Finance Committee Charter](#)

[Outreach and Education Committee Charter](#)

[Friends Committee Charter](#)

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## **Commission Development and Personnel Committee Charter**

### **PURPOSE:**

In partnership with the Commission Chair and the Executive Director, the Commission Development and Personnel Committee supports the Cedar Rapids Civil Rights Commission's (CRCRC) mission by:

- Providing guidance and support to the Executive Director and City Human Resources Department regarding staffing and human resources issues
- Working with the Commission Chair to develop a pipeline of diverse and qualified candidates to the Commission, and its Committees
- Supporting the City of Cedar Rapids in its efforts to increase the diversity of its applicant pool
- Leading induction and training process for new commissioners
- Advising CRCRC regarding commissioner removal recommendations
- Providing guidance and support to Commission Chair related to hiring evaluation of Executive Director
- Facilitating nominations for annual officer election

**MEMBERSHIP:** Committee members shall be appointed by the CRCRC. The CRCRC shall appoint 3 to 5 committee members who are currently on the Commission. The CRCRC Executive Director or his/her designee shall be an ex-officio member.

**COMMITTEE CHAIR:** The Committee Chair shall be appointed by the CRCRC. The Committee Chair shall be a current member in good standing of the Commission.

**RELATIONSHIP WITH STAFF:** Provides guidance and support to the CRCRC and Commission Chair related to hiring and evaluation of Executive Director. When necessary, provides recommendations, guidance and consultation to the Executive Director and the City's Human Resources Department. Please note that commissioners do not have individual authority over CRCRC staff, but must bring issues back to the Executive Director.

**RELATIONSHIP WITH CRCRC:** The Commission Development and Personnel Committee reports to the CRCRC via the Committee Chair.

**MEETINGS:** Meets at least twice a year to prepare for officer nominations, Executive Director evaluations, and Commission policy discussions and to set yearly goals of the Commission Development and Personnel Committee. All meetings are subject to public disclosure laws.

**CONFLICT OF INTEREST:** Committee members shall abide by the CRCRC's conflict of interest policy. All Committee members shall complete a conflict of interest form.